

Law Enforcement News

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In the blind spot

Study says growing problem of "driving while female" isn't on agencies' radar

In the 1960's and 70's, there was "driving while hippie." In the 1990s, "driving while black" became the watchword. Now, according to a preliminary report by two University of Nebraska researchers, sexual harassment of women during traffic stops by rogue police officers has become a widespread problem to which law-enforcement agencies are turning a blind eye.

According to "Driving While Female: A National Problem in Police Misconduct," there is a pattern of officers using their traffic enforcement powers to abuse women. The situation, in some respects, parallels the problems of racial profiling, said Samuel Walker, a criminal justice professor and the study's lead author. But a key difference, he said, is that "officers engaged in racial profiling are usually acting in accord with department crime-fighting policies." Officers who target female drivers, he observed, "are the classic 'rogue' officer who are violating the law and department policy."

Reports of the phenomenon have been springing up in nearly every part of the country, said the study. In April

"We're convinced this is just the tip of the iceberg since many victims don't come forward, some complainants are turned away, [or] their complaints are not investigated."

2002, a Virginia state trooper was indicted for soliciting sex from women in exchange for dropping traffic charges against them. A month earlier, a San Bernardino, Calif., officer was charged with raping 11 women while on duty. And an officer from a department outside of Philadelphia was convicted of raping an intoxicated woman while on duty and in uniform.

The study, Walker told Law Enforcement News, was prompted by a New York case last year. Suffolk County highway patrolman Frank Wright was accused of forcing female drivers to strip or face arrest. Federal prosecutors who took over the case from the local district attorney's office charged the 36-year-old officer in March with violating the civil rights of five women. If convicted, Wright faces up to 32 years in prison.

In one incident, he allegedly drove

a woman around in handcuffs, then took her to a deserted parking lot and told her he would only release her if she showed him her breasts. One woman was allegedly ordered by Wright to walk four blocks to her home in just her underwear and high heels in the freezing cold on New Year's Day.

Walker and his co-author, Dawn Irlbeck, narrowed down their search of cases to those in which the officer had been sanctioned. "It looked as though there was a just a steady flow of cases," he told LEN. "It really does appear to be a serious problem — in fact, since we've finished this report, there have been many more. We're convinced this is just the tip of the iceberg since many victims don't come forward, some complainants are turned away, their complaints are not investigated, or they simply never make the news media."

Allegations that officers in Walkill,

N.Y., sexually harassed women, including a teenage waitress, brought the scrutiny of the state attorney general's office, which later filed suit against the town. That, in turn, led to the first consent decree in the nation between a jurisdiction and state authorities. Last year, a monitor was appointed to implement sweeping changes in the police department, noted the study.

A major part of the problem, according to the study, is the failure of law enforcement agencies to investigate allegations brought to their attention. Departments do not take allegations of discrimination seriously and deny officer wrongdoing, the study said. Moreover, such victims feel "particularly traumatized or humiliated."

In many of the cases that have come to light, according to the study, rogue behavior by an officer was known both within the department and around the court house. "The abuse continued because the officer was not closely supervised and no one in the department acted on the information available," the study said.

The study mentions one case where

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Render unto seizure: Colorado cops get short shrift in forfeiture debate

Law enforcement agencies in Colorado will be the last in line to receive funding — if they get any at all — from civil forfeiture proceedings, under a bill signed in June by Gov. Bill Owens.

The legislation, which was sponsored by Democratic Senator Bill Thiebaud and Republican Representative Shawn Mitchell, would allow assets to be seized only from those convicted of a felony and would be proportional to the crime. Also, the property would have to be directly linked to the offense.

"I have been for years hostile to the idea of civil forfeiture," Mitchell told The Rocky Mountain News. "I believe

there are serious problems with the law the way it is."

Before police would see any of the money, the assets would be handed down in hierarchical fashion beginning with any liens, compensation for innocent co-owners, and costs incurred by district attorneys' offices and courts. Whatever is left would be divided between state drug and alcohol abuse treatment programs and, if any money still remains, the agency that seized the property. There are several exceptions, as in cases when the suspect had died or is a fugitive. Where there is no conviction, the property would have to be returned.

"We feel this is a very important and significant issue that could severely and adversely impact law enforcement prosecution and, ultimately, victims," Peter Weir, executive director of the Colorado District Attorneys Council, told The Rocky Mountain News.

In a prepared statement, Weir added that the bill "will actually serve to enhance criminal enterprises by favoring the criminal over law enforcement and make it more difficult to strip drug dealers, pimps and other criminals of their illegally obtained assets."

During hearings in April before the House Civil Justice and Judiciary Committee, Denver County District Attor-

ney Bill Ritter charged that his office would not have been able to seize two crime-ridden hotels during the 1990s had such restrictions on asset seizure been in place. Under the old standard, owners had to know or have reason to know of a public nuisance activity. Now, they must know or have notice of such activity.

"It dramatically changes the way we do business," Ritter said in an interview with Law Enforcement News. "We had a case involving a number of hotels that were havens for crack dealers and prostitutes. Over the course of a lengthy investigation, we were able to forfeit those, even though there was no criminal case against the owners. Under the new statute, you have to have a criminal conviction."

The law's requirements also present a problem when it come to seizing money from drug couriers at Stapleton International Airport, said Ritter. While there might be no criminal case, there are standards for when law enforcement can seize a large amount of cash, such as an alert by a drug dog, or if an individual's possession of the money is unexplained.

"What happens is a rebuttable presumption attaches that that's drug courier money," said Ritter. "They can come in and prove otherwise, but if a person is really a drug courier, they don't typically bring in receipts to show you they just checked this out of a Wells Fargo bank and they're on their way to North Dakota to buy a wheat combine."

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When stricken cops need a shoulder to lean on, network of supporters is standing by

If simply having a police uniform can be considered a good-luck talisman to a seriously ill officer, then having a hospital room full of blue can only be that much more of a buoy to the spirit — at least that's what the members of the National Police Support Network believe.

The group was launched last year by New York City police Det. Nelson Dones, a 22-year law enforcement veteran. Dones, 47, had come to the M.D. Anderson Cancer Center at the University of Texas in Houston for a bone marrow transplant in a last ditch effort to halt the progression of his Hodgkin's

disease, which after two years was at stage four, the most lethal.

"Prior to leaving [New York], my doctors said there is a 30-percent mortality rate associated with the treatment alone, never mind the cancer," he told Law Enforcement News. "I sat down with my lawyer, signed everything over, notified the job to retire me if God forbid I didn't come back...bought a burial plot. You almost have to take care of everything as if you weren't coming back, just to be on the safe side."

For the four-month stay in Houston, Dones brought along everything he thought would make him feel better —

his laptop computer, books, chess games and his police uniform. The day of the transplant, when he was to receive his brother's stem cells, Dones donned his uniform and took pictures. "You really have to be optimistic when you undergo something like this," he said. "The nurses were laughing and the doctors, they had never seen a NYPD cop in uniform walking around with IV poles hooked up to chemo bags," Dones told LEN. "I took it in stride."

A nurse who saw him in his uniform that day told a local police captain about her patient. During the one month that Dones was staying at M.D. Anderson

and the three months he was an outpatient there, officers began visiting. "Cops, detectives...I made a lot of good friends down there," he said. "It just made it so much more bearable, especially when you don't know if you're going to come back home."

Dones's cancer is now in remission, but he has to periodically return to M.D. Anderson for treatment of GVHD (Graft Versus Host Disease), a rejection process that can happen to patients who undergo the type of procedure as Dones.

Chief Charlie L. Price of the Uni-

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Around the Nation

Northeast



CONNECTICUT — In Danbury, the death of 13-year-old Christina Long, who police say was strangled in May by a man she met on the Internet, has prompted police to give parents free computer software that allows them to see what their children have been doing online. The department will also expand its DARE program to teach children about Internet safety.

MAINE — Aroostook County is getting an enhanced-911 emergency reporting service, but problems have arisen because of difficulties 000000 with house numbers. Not everyone is complying with local ordinances requiring that house numbers be clearly visible from the road. Incorrect or absent house numbers could cause delays in emergency response.

MASSACHUSETTS — The Wilmington Police Department has been earning high praise for its e-mail alert system developed by Officer Scott Sencabaugh. The alerts, available free to subscribers, provide breaking news concerning local safety issues and the well-being of residents.

NEW JERSEY — In Paterson, home to one of the largest Middle Eastern populations in the country, a career opportunity day sponsored by several law enforcement agencies in conjunction with the American Muslim Union became a question-and-answer period for Muslim citizens concerned about mutual trust in light of the events of Sept. 11. The president of the Muslim group said he was pleased by the exchange. The FBI, one of the participating agencies, used the event as a way of recruiting skilled applicants who speak Arabic, Farsi or Urdu.

NEW YORK — Amric Singh Rathour, 25, a Sikh man who had applied to be a traffic enforcement agent with the New York City Police Department, has filed a federal discrimination complaint against the department. He claims he was fired for refusing to shave his beard or remove his turban, which are signs of his religious faith.

A New York Times poll showed that for the first time in 14 years, most New Yorkers said race relations in the city were generally good. The poll also showed that the public's perception of police has improved. Half of the blacks and 52 percent of the Hispanics polled said that police were doing a good or excellent job.

Anthony Bottom, the Black Liberation Army member who helped ambush New York City police officers Joseph Piagentini and Waverly Jones in 1971, is up for parole at the end of July after having served 25 years in prison. His possible release prompted Piagentini's widow to insist that the cop killer be shown "no mercy" and "spend the rest of his life in prison without parole." City Councilman Charles Barron sparked a storm of controversy when he said that Bottom, who has since changed his name to Jalil Abdul Muntaqim, is a political prisoner and should be released. Police Commissioner Raymond Kelly, who responded to crime scene

as a young officer, called the crime "cold-blooded, premeditated murder."

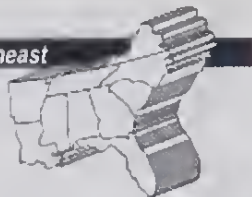
The Nassau County Police Department will stop recruiting black youths near local high schools and paying them to appear in lineups, after the practice prompted complaints of racism. One county legislator contended that such recruiting "doesn't happen at white schools," but police Insp. Peter Matuza said that the police have also recruited students at predominantly white or Hispanic schools, depending on the race of the suspect.

PENNSYLVANIA — After Philadelphia police dog died inside a sweltering cruiser, the city has decided to equip its K-9 cars with a safety system that will automatically roll down the windows and blow a horn or siren if the car gets too hot. The "Rescue Cool-Guard" system, manufactured by American Aluminum Accessories of Perry, Fla., will be installed in a dozen cars at a cost of \$400 per unit.

The state DARE officers association has been ordered to return \$205,000 in unspent money after a state audit found that it mismanaged funds. The association is disputing the audit's findings.

Johnstown police officer Craig A. Knepper was arrested June 11 on charges that he shot and killed his girlfriend, Susan L. Fyock, in front of her 4-year-old son in the couple's apartment. He allegedly became enraged when Fyock tried to end the relationship. Johnstown Police Chief William Clark asked the state police to take over the case to make sure the investigation was handled properly.

Southeast



GEORGIA — With the resignations of three officers and a leave of absence taken by Chief Chuck Cannarella, the small Newton County town of Porterdale has been left with only one full-time and one part-time police officer. The force also has an assistant police chief position, which is currently being filled by City Manager Tom Fox.

The body of Shaquilla Weatherspoon, an employee of the Fulton County Sheriff's Department who had been missing for a week, was found June 6 in a wooded area in southwest Atlanta. The cause of death could not be immediately determined because of decomposition. Weatherspoon had been missing since she failed to meet a friend following her shift at Grady Memorial Hospital, where she monitored prisoners undergoing treatment.

LOUISIANA — Reasoning that "If we can legally take prints, why can't we take saliva?" Iberia Parish Sheriff Sid Hebert announced plans to take DNA samples from all crime suspects for submission to a national database. The Louisiana chapter of the ACLU said that it objects to the routine collection.

SOUTH CAROLINA — Employees from all branches in the Aiken County Sheriff's Department have been receiving basic training in Spanish. Aiken is just one of several counties in the area

that is facing a growing Spanish-speaking population. The command Spanish classes, which offer a simpler course than standard academic Spanish, teach short phrases that are used in daily communication.

TENNESSEE — Sharfaynee L'Neil White, 20, a suspect in the deaths of two Clarksville police officers who died in a car crash, was caught in a Memphis motel room and taken into custody after surrendering without incident. White was being chased on June 7 after the armed robbery of a motel in Clarksville. Officers David Scott, 42, and Yamil Baez-Santiago, 23, died when their cruiser collided with a truck coming from the opposite direction.

After DNA evidence exonerated Clark McMillan, who had served 22 years of a 119-year sentence for a rape conviction, several Memphis agencies are working to develop a better way to organize and protect biological evidence. McMillan would not have been freed if the rape victim's clothing and stained microscope slides had not been kept by the Police Department and the University of Tennessee Health Science Center. However, the university must now move a large number of old rape kits because the building where they are stored is being renovated. The project, which will inventory and consolidate the old sexual-assault evidence, is expected to take about four months.

Using a \$860,000 grant from the U.S. Department of Housing and Urban Development, the Chattanooga Housing Authority will hire three police officers of its own to work with off-duty city police officers to patrol public housing sites. In addition to the officers, the authority will get its own security cars.

Chattanooga police will be depending less on traffic checkpoints to enforce driving laws this summer, due to a 2001 state supreme court ruling in which a roadblock was called a ploy by police to "seek out criminal wrongdoing under the guise of checking for driver's licenses." The police say they will still use checkpoints to enforce this year's Click It or Ticket campaign, designed to increase seat belt usage. Capt. John Savage, the local supervisor for the Tennessee Highway Patrol, said that the court ruling only referred to traffic enforcement roadblocks.

Bartlett Police Officer Carey Gurley was suspended without pay for 18 days and given a year's probation for violating the city's ethics policy by climbing onstage with a topless dancer at a Memphis strip club. Police Chief Don Wray said that there was no evidence that Gurley danced nude, although that had been alleged in the complaint.

VIRGINIA — The Elizabeth City Police Department has ordered 20 Remington 12-gauge shotguns for use in situations when a pistol is not enough. Officers getting shotguns for the first time will receive training. The department already has 25 shotguns on hand. Ordinarily, the shotguns are kept in officer's patrol cars. Lt. Frank Koch, the department's operations division supervisor, said, "We're not expecting World War II; we just want everybody to have one."

Cheslerfield County magistrate Danny Holt refused to issue a warrant to state

trooper George Crespo because the officer would not sit down or remove his hat. After the trooper called his supervisor, Holt issued the warrant. The magistrate's office does have a policy on hat-wearing but it is not in writing anywhere. Officials from the state police and the magistrate's office are meeting to try to resolve the matter.

After an investigation sparked by a rash of underage drinking, Fairfax County police have charged three public school students with making scores of false driver's licenses. Police are encouraging students to hand over the fake IDs in return for a promise that they won't get punished in school or prosecuted, and had so far received over 50 licenses dropped into "amnesty lockers." The IDs were made by using valid licenses and scanning and altering their images with a home computer.

Midwest



ILLINOIS — Law enforcement officials from Sangamon County and the city of Springfield are discussing the possibility of forming a joint crisis-intervention team to respond to incidents involving the mentally ill. They will be assisted by officials from the Memphis, Tenn., police department, which has a "cutting-edge" crisis intervention team. [See LEN, Dec. 15/31, 2000.] The issue gained impetus from the May 1 death of a 35-year-old, mentally ill Springfield man, who died a day after a struggle with three city officers. A pathologist testified that he found no lethal injuries and listed the cause of death as a pre-existing medical condition that led to a heart attack.

In hopes of improving his department's image, Taylorville Police Chief Greg Brotherton has invited local reporters to ride along with him on weekends. Brotherton said the program should help reporters understand department duties and the constraints under which officers work.

Cook County prosecutors and Chicago police are cracking down on people who drive into the city to buy drugs. In addition to facing jail time, they now could lose their cars and driver's licenses, and car owners would have to pay huge fines to get them back. William O'Brien, the chief of the narcotics bureau for the state's attorney's office, said there is a huge heroin problem on Chicago's West Side and that the bulk of the buyers are from nearby suburbs.

INDIANA — Tacuma G. Wolfe of Muncie wanted to prove he was innocent of a rape charge, so he told police it was consensual, and he had traded cocaine for the woman's services. To prove it, he took police to his house and showed them his stash. Wolfe is now charged with dealing in cocaine, an offense that carries a 30-year prison term, 10 years longer than he would have received for a rape conviction.

OHIO — Toledo Police Chief Michael Navarre has announced the end of the DARE program in the city's elementary schools. The police department will instead develop its own anti-drug program that will be in place by the next school year.

Following an incident in which a 40-minute wait for officers resulted in a woman's death during a domestic dispute, Akron police and city officials are making changes in dispatch procedures. The police will now oversee dispatchers on police calls and add new software to the computers in cruisers. They will also examine how domestic violence calls should be ranked.

A grand jury has dismissed all charges against three teenagers accused of plotting to kill New Miami Police Chief Duane Pelfrey. Attempted murder charges were also dropped against a 19-year-old, although he is still being held in the Butler County jail on a burglary charge. The teens were arrested in April after an informant told police about the alleged plot. [See LEN, May 15/31, 2002.] Pelfrey said that he was very upset about the grand jury's decision.

New Madison Police Chief John Kiser is requiring all of the village's police officer to hold first-responder certification. Earlier this year, Kiser responded to a call and had to use his portable defibrillator on a man to shock his heart, repeating the routine until rescue workers arrived. Anyone seeking certification must take a 40-hour class, pass a state and national exam, and be recertified every two years.

WEST VIRGINIA — As part of an \$850,000 lawsuit settlement, the town of Oceana has agreed to train all of its police officers in the proper use of force. The settlement came in a suit filed by the family of a Wyoming County man who was shot to death during a police chase. The settlement also requires a probe into the conduct of the two officers involved in the incident. The vehicle was being pursued on suspicion of DUI.

In a 3-2 vote, the state supreme court has issued a controversial administrative order that permits probation officers to carry handguns. The court's decision may be moot, however, as many officers already carry handguns because circuit court judges, who have direct control over the issue, have already ruled that they can.

WISCONSIN — With the unanimous backing of faculty and student governance groups, University of Wisconsin-Platteville Chancellor David Markee has decided to arm campus police officers. A university spokesperson said that he was surprised by the level of support for the proposal. Most students had apparently assumed that campus officers were already armed and were shocked to find out they weren't.

A 211 emergency telephone network for social services in Wisconsin is now fully operational in Milwaukee, Waukesha, Dane and Racine counties. The services will link callers to information on mental illness, domestic violence, food pantries and other issues. It is hoped that the new phone number will help reduce the volume of calls to 911 operators.

An attempt to re-establish an anti-loitering ordinance in Madison failed for a second time June 4 when Mayor Sue Bauman cast a deciding negative vote to break a 10-10 split in the City Council. The mayor, who had vetoed the ordinance last winter, warned that she would only support a law with an expiration date. The original 1997 law was

intended to curtail open-air drug activity but was used disproportionately against people of color. [See LEN, April 15, 2002.]



IOWA — An anti-gang unit in Oes Moines that was dropped more than two years ago has been revived in response to a new wave of gang activity. Unlike the old unit, in which officers roamed the streets in a van and questioned or photographed suspected gang members, the new unit will focus on gathering information using surveillance and a variety of techniques.

MINNESOTA — As city and community leaders work to overhaul the Civilian Review Authority, the Minneapolis Police Federation has written to the City Council and Mayor R. T. Rybak, calling for an end to unfair and irresponsible blanket accusations of police brutality. In the letter, union president Sgt. John Delmonico noted that the federation would be willing to listen to specific complaints, but warned that the public could not be satisfied with the department "when the public perception of police officers is allowed to be formulated with no evidentiary standards."

MISSOURI — St. Charles police have a new firearms training system, AIS PRISim, that uses laser "handguns" that are not tethered, so officers can move around the room easily while shooting. The computer-driven system, which cost close to \$56,000, is to be housed in the new headquarters' basement, so that officers could be called for training at anytime. [See LEN, July/August, 2001.]

A man claiming to be a St. Louis police officer has been using a telephone scam to steal personal information that he then uses on credit applications. He typically picks doctors' names randomly and, identifying himself as Officer Aaron Parker, says that he has arrested a suspect trying to cash a forged check on the account of the person he calls. He then says he needs the person's birth date, Social Security number, and other information in order to prosecute. Police say they will not know the extent of the damage until the victims get the bills.

Wentzville Police Officer Leon Burton was pursuing a speeding car on his motorcycle when the car's driver suddenly slammed on the brakes and made a 180-degree turn on a highway ramp to end up facing Burton. The car proceeded to chase Burton until assisting officers pulled it over. The driver fled on foot, but a passenger was arrested. Police found a half-gallon of methamphetamine in production in the car.

St. Louis police have detained a man and searched his home in the investigation of the deaths of 10 women, all believed to be victims of a serial killer. The development came a week after authorities received a letter directing them to the skeletal remains of a black woman in rural St. Charles County. The victim fit the profile of nine other bodies found since April of last year, usu-

ally along roadsides.

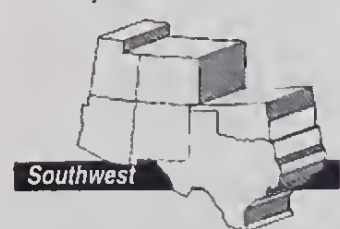
MONTANA —Rocky Boy Tribal officer Robert Taylor, 43, drowned May 27 while trying to save two fishermen whose boat capsized in Bonneau Reservoir. Taylor was the 116th Montana law enforcement officer to die in the line of duty and the first from the Rocky Boy Reservation.

Two men who paraded nearly naked down Main Street in Red Lodge — one of them wearing only a police hat with a badge that read "Special Officer" — were given old jail overalls to wear to court after their arrest. The men were each fined and sentenced to six months, with all but two days suspended.

The U. S. Attorney for Montana, Bill Mercer is planning a public awareness campaign for farmers, chemical dealers and their neighbors, to educate them on the problem of methamphetamine manufacturing. Many area farmers have become the target of thieves who are after their stores of anhydrous ammonia fertilizer.

NEBRASKA — Police officers and at least one judge have complained about the Web site of property information developed by Ooglas County assessor Roger Morrissey. The site allows users to access information on any home, including its owner, address and assessed valuation. Morrissey has responded to the complaints by saying he will remove the capability to search the site by the property owner's name for anyone who submits a written request. Police say that posting the information threatens their safety.

SOUTH DAKOTA — A federal grant to the South Dakota Highway Patrol will be increased from \$3 million to \$6.5 million, to pay for radios that will allow local police and fire departments to be part of the state's new communications system. The additional funds will allow local authorities to be part of the new upgraded system without having to match federal funds with local money.



COLORADO — Gov. Bill Owens has signed two bills that will make it easier for authorities to shut down methamphetamine labs. The new laws allow for arrests of individuals in possession of large amounts of otherwise legal drugs or equipment that could be used in the production of methamphetamine.

A new \$16-million radio system, scheduled for completion by October 2003, will help Aurora police and fire departments communicate across the city and eliminate "dead spots." The new system will replace one that has been in use since 1987 when Aurora was a city of 66 square miles. The city now covers about 142 square miles.

NEW MEXICO — The Albuquerque Police Department has put together a domestic violence team in hopes of making more arrests and developing better case preparation. The new unit will track cases all the way through the

justice system. Also, a \$600,000 grant from the U. S. Department of Justice will be awarded to community groups that help victims of abuse. In 2000, 60 percent of misdemeanor domestic violence cases in Bernalillo County were dismissed.

The city of Albuquerque is suing 70 juveniles and their parents to recover money spent on graffiti removal. In 2001, \$953,797 was spent on cleanup.

OKLAHOMA — State health officials have asked Enid police to revise their policy of killing wild skunks to eradicate the threat of rabies as they say depopulation is not effective. Police Chief Rick West issued the shoot-to-kill order after a skunk, which later tested positive for rabies, attacked a man on his back porch. Enid police will now notify animal control officers first before taking action.

TEXAS — On June 3, the Monahans police station was heavily damaged by fire from an incendiary device that was dropped through a broken window. The Bureau of Alcohol, Tobacco and Firearms and the Texas Rangers are assisting the police in their investigation.

After a Padre Island couple found the heads of several small animals, including birds and a lizard, impaled on shrub thorns in their backyard, they notified Corpus Christi police, fearing it was the acts of a violent or dangerous person. The report of the incident made its way into the police blotter and eventually the local newspaper, where avid birders read about the incident. One bird expert said it was the exact behavior of a carnivorous songbird, the loggerhead shrike, which attacks its prey and leaves the heads of its victims lined up like meats in a butcher shop.

Harris County sheriff's deputy Shane Bennett, 29, was shot to death on June 12 while responding to a call about a house break-in. Two of the intruders were also killed and two other people were wounded. Authorities believed the intruders were looking for drugs.

Oavid Bryan Ballard failed to register as a convicted sex offender when he moved to Williamson County, and the oversight has earned him a life sentence. Ballard had told jurors that he failed to register because he didn't know he was still required to do so after being taken off parole. The jurors learned, however, that he had received at least three notices informing him of the lifetime registration requirement.

The Texas Municipal Police Association, armed with a \$450,000 grant from the state Criminal Justice Division, is training 2,000 law enforcement officers to better respond to domestic disputes and sexual assaults. The program, will encourage officers to try to break the cycle of violence, teaching such skills as improved evidence-collecting techniques and working more effectively with social service agencies.

On June 4, Capt. John Goss, 43, of the Ellis County Sheriff's Department narcotics task force was found dead in his office from a self-inflicted gunshot wound to the chest. Investigators said that \$7,288 in task force funds were missing. A multiagency investigation will try to determine the reason for Goss's suicide.

UTAH — Leaders of the Safe to Learn, Safe to Worship Coalition say they have failed to secure the 76,180 signatures needed to place on the November ballot an initiative that would ban guns in schools and houses of worship. They said they may try again in 2004.

Ruth Stubbs, 19, the runaway teen bride of Rodney Holm, a 35-year-old police officer in the twin polygamist towns of Hildale, Utah, and Colorado City, Ariz., has been granted temporary custody of their two children. Stubbs was 16 when an official of the Fundamentalist Church of Jesus Christ of Latter Day Saints decreed that she must marry Holm or lose her salvation. She is Holm's third "spiritual" wife; the other two wives are Ruth's sisters, Susie, 35, and Wendy, 38.

The state's Emergency Alert System was put to use for the first time after the abduction of 14-year-old Elizabeth Smart from her Salt Lake City home, when police determined that the abduction met the Rachel Alert criteria. The Rachel system was named for Rachael Runyan, a 3-year-old who was abducted in Sunset and later found dead. There are 35 programs in the country, 10 of them are statewide like Utah's.



CALIFORNIA — Tulare County Sheriff Bill Wittman and Farmersville Police Chief Mario Krstic recently recruited more than a dozen officers, detectives, dispatchers and volunteers to help build houses as part of a Self-Help Enterprises subdivision. Through the Self-Help program, families and helpers work 40 hours a week in exchange for a home with an affordable mortgage.

Law enforcement organizations and groups representing medical and pharmaceutical professionals are squaring off over legislation that would make it legal to buy and possess syringes without a prescription. Law enforcement groups oppose the measure, saying it would encourage illegal drug use and undermine the needle exchange law.

Palos Verdes Police Chief Timm Browne has been forced by city officials to take down the "surf cam," a video camera trained on the town's coastline, which the chief hoped would end the violence and vandalism associated with the local surfers' jealous guarding of the beach from outsiders. Some residents reportedly feared the scenic online images would draw hordes of rowdy surfers. The council subsequently bought another camera that will also monitor the shore, but only police will be able to see it.

A judge has awarded \$60 million in back wages to more than 500 employ-

ees of the Los Angeles County Office of Public Safety, after a jury found that the county had discriminated against members of the agency, who are predominantly blacks and Hispanic. Public safety officers, who patrol county parks and hospitals, claimed that they were paid 40 percent less than county sheriff's deputies.

While admitting no wrongdoing, Sonoma County has agreed to pay \$1 million to the family of a woman killed by her husband in 1996 after sheriff's deputies did not enforce a restraining order against him. The family claimed the sheriff's department played down the woman's complaints because she was Hispanic.

Rick Caruso, president of the Los Angeles Board of Police Commissioners, has suggested that the city's police department consider taking over law enforcement at Los Angeles International Airport. He said that the current system of having both the LAPD and airport police officers patrol the airport made no sense and should be changed.

A Fresno County sheriff's helicopter searching for a man suspected of killing county sheriff's deputy Oennis Phelps and injuring another officer was struck by gunfire May 20. Neither the pilot nor the passenger was injured and the helicopter was able to land safely. Mark Volpa Jr. is suspected of shooting Phelps in the face during a traffic stop and stealing his badge, gun and patrol car.

HAWAII — The Honolulu Police Department is hoping to save thousands of dollars in overtime costs by cutting down the number of officers needed to process drunken driving arrests. An average of five officers are used in each case to give the field sobriety test, make the arrest, take the suspect to the station and give the blood-alcohol-content exam, a local TV station reported.

IDAHO — Twin Falls County Sheriff Wayne Tousley has asked county commissioners to approve a 30-percent across-the-board pay increase for all his employees, saying his deputies are quitting for better paying law enforcement jobs elsewhere after they have been trained. So far this year he has lost three deputies and last year, he lost five. New Twin Falls County deputies receive a starting salary of around \$2,160 per month, while a beginning Twin Falls city police officer gets at least \$2,700.

OREGON — Portland Police Officer Kirk Huffstetler was killed May 26 when he lost control of his patrol car and crashed into a wall while responding to an attempted robbery call.

WASHINGTON — Five stamps were stolen from the Tacoma office of the Immigration and Naturalization Service during the weekend of June 1. The INS immediately invalidated the stamps, which have individualized identification numbers.

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People & Places

Too good to refuse

After resigning as superintendent of the New Orleans Police Department in March, **Richard Pennington** said he would never again enter municipal law enforcement unless he was made an offer he could not refuse. Apparently, the city of Atlanta did just that in June when it appointed Pennington to a post that will make him the nation's third highest-paid chief.

In addition to his \$157,000 annual salary, Pennington is expected to receive health and insurance benefits, a \$34,670 payment to his pension fund, a one-time \$16,983 relocation fee, and use of a car and cell phone. All of which adds up to \$226,000 his first year, according to a report in *The Atlanta Journal-Constitution*.

Pennington's base salary trails those of interim Los Angeles Police Chief **Martin H. Pomeroy**, who earns \$239,000, and San Francisco Chief **Fred Lau**, who makes \$170,536.

Pennington has been credited with turning around a New Orleans department that had been rife with corruption, in a city viewed as the murder capital of America, and Atlanta officials are now hoping that their new chief can effect the same kind of change in their department, which has been plagued by low morale coupled with low pay.

Pennington said he would work to improve officer salaries, do more hiring and get the department accredited. He said his agenda would also include upgrading Atlanta's technology, publishing crimes on the Internet and introducing a new crime-tracking system.

He said he would spend 30 days evaluating and analyzing the agency, then take another two months creating a doctrine on how it will be run.

"I want to assess the department and find out the strengths and weaknesses,

interview command staff one-on-one, look at the people we have and see where we are producing and spending our money," he told *The Journal-Constitution*. "At 90 days, I will put a plan in place to police the city of Atlanta. On the 91st day, I will implement it. It can't be done in a week or one night."

Pennington, 55, had resigned as New Orleans' top cop to run for mayor. In winning the Atlanta job, he beat out **Andre Parker**, assistant deputy director of the Illinois State Police. He will succeed **Beverly Harvard**, who served as Atlanta's chief for eight years and did not seek to retain the position after **Shirley Franklin** was elected mayor last November.

NYPD's Ward dies

His ambition was to be a "cop's cop," and New York City's first black police commissioner, **Benjamin Ward**, who died this month, was hailed by city officials as one of the finest public servants the NYPD ever produced.

Ward, 75, was taken unconscious to New York Hospital Medical Center the night of June 10. Although no official cause of death was given, he was a long-time sufferer of chronic asthma.

"He was a great police commissioner," said former mayor **Edward I. Koch**, in whose administration Ward served. "The fact that he was black was an extra plus. He was superb. He was the guy who had walked every beat, so he knew what the problems were."

Said Police Commissioner **Raymond W. Kelly**: "I learned more from Ben Ward than anyone in the police department."

Ward's tenure from 1983 to 1989 was marked by its share of troubles, with the emergence of the crack cocaine epidemic and a sharp increase in murders. In addition, racial issues and inci-

dents seemed to abound, including the fatal shooting by police of an elderly black woman, **Eleanor Bumpurs**, during an eviction. It was also during that time that subway gunman **Bernhard Goetz** shot four black youths, and a young black man, **Michael Griffiths**, 23, was chased to his death in Howard Beach by a gang of white youths.

Ward grew up in Brooklyn and was with the military police in World War II. He joined the NYPD in 1951, scoring the third-highest out of 78,000 applicants on the entrance exam. Rising through the ranks, his first command position was as deputy commissioner for community affairs. Along the way, Ward earned associate's, bachelor's and master's degrees from Brooklyn College, as well as a law degree.

Prior to becoming police commissioner, he served as the city's traffic commissioner, corrections commissioner for both the city and state, and chief of the housing police force. Ward's appointment as top police official ended the traditional dominance of white Irish-Americans in the post.

"Many people make the mistake of thinking that black people are liberal because they are black," Ward said following his appointment. "I'm very, very liberal when it comes to race relations, but when it comes to law enforcement, I am very, very conservative. I believe bad guys belong in jail."

At his swearing-in ceremony, Ward invited Representative **John Conyers**, the Michigan Democrat who had recently chaired Congressional hearings on allegations of racially motivated police brutality. Ward called him an "old friend." He also invited the Rev. **Herbert Daughtry**, a prominent local civil rights activist who had been a stern critic of both the department and Koch.

It was during Ward's stint as head of community affairs, in April 1972, that Officer **Philip Cardillo** was killed, shot at point-blank range while he and other officers responded to a call at a Black Muslim mosque in Harlem. Ward

released 16 suspects and apologized to the minister, **Louis Farrakhan**, for violating an agreement that police would not enter the mosque.

In a 1988 *New York* magazine article, **Robert Daley**, a former police department spokesman, suggested that the incident set a pattern of Ward apologizing to the black community after shooting incidents involving police and minority suspects. "That is, he has appeared to convict the cop or cops in question, his own men, without trial."

After the Bumpurs shooting, Ward defended the officers' use of force, but said the slain woman reminded him of his mother. "I would not have killed that woman," he observed during his farewell speech in 1989.

Among the achievements he mentioned in that address was the opening up of the NYPD to minorities.

"Most importantly to me," said Ward, "we've changed this Police Department — without a lot of noise, without a lot of legislated or judicially imposed affirmative action programs — by increasing the number of black officers by 17 percent, Hispanic officers by 60 percent and females by an astonishing 85 percent."

Capitol ideas

Keeping officers from jumping to better paying positions with other federal agencies and broadening his department's jurisdiction around the District of Columbia are the top items on the agenda for **Terrance W. Gainer**, who assumed command of the U.S. Capitol Police in early June.

The Capitol Police force is charged with protecting members of Congress and their family members, and investigating crimes occurring within a jurisdiction that comprises the Capitol, House and Senate office buildings and surrounding streets. Its authority is limited within the city — something Gainer, a former second-in-command of the Metropolitan Police Department, wants to see changed.

Federal law, he said, requires his officers to be armed wherever they travel, yet their ability to enforce the law does not extend much past the steps of the Capitol.

"I want us to have concurrent jurisdiction with the Metropolitan Police Department and the Park Police," he told *Law Enforcement News*. "We ought to stop threats before they're at our door and maybe someplace in the heart of the city because I know it is local police and state police officers that made some of the best and most significant arrests, whether it's the Oklahoma City Bomber stopped by a trooper, or some of the things the Virginia State Police and Fairfax County, [Va.], police did in thwarting some of efforts of suspected terrorists over in that jurisdiction," said Gainer.

The agency should have the same arrest powers as the Secret Service Police and the U.S. Park Police, he said. "When it comes to terrorists, we don't want our line of defense to be the front of the Capitol," he told *The Hill*, a Washington newspaper. "Given that our officers travel throughout the city, we should have complete jurisdiction."

Another issue is retaining personnel. The force currently has several hundred openings, keeping it well be-

low its authorized strength of 1,570 members. One problem, said Gainer, is that federal agencies are competing against each other for officers. While the starting salary is commensurate with other agencies, the Capitol Police need a better financial package, he said.

"We go to hell in a hand basket when it comes to things like pension and the Transportation Security Administration is offering substantially more money to our officers," Gainer told *LEN*.

Considered by many to have been the public face of the Metropolitan police during his four years as executive assistant chief under **Charles Ramsey**, Gainer also acted as a lightning rod for criticism by its rank-and-file. While it was hard to leave that post, he told *LEN*, "between Chief Ramsey and [me], we have a great one-two punch."

In their blood

There are places around the nation, it seems, where a family's bloodlines just seem to run a little bit bluer.

In towns like Waltham, Mass., and Ephrata, Wash., families have worn police uniforms for generations. "You're kind of called or drawn for a myriad of reasons," said Waltham Police Chief **Edward Drew**.

Drew began his law-enforcement career with the Newton, Mass., force, working with his father and brother-in-law, both captains there. His brother-in-law's brother is a Newton sergeant. And Drew's daughter, **Danelle Hart**, is a patrol officer, as is her husband, **Patrick Hart**. Hart's brother **Daniel** is the agency's dispatcher.

At the Newton Police Department, **Clafin** is a popular last name. Not only is **John Clafin Jr.** working as a dispatcher there until he passes his civil-service test, but his father and mother are both Newton veterans. **Jack Clafin** was a detective with more than 34 years on the job until his retirement in April, and **Mary**, his wife, is the agency's domestic-violence officer. Her grandfather and great-uncle both served with the Boston Police Department.

The Clafins also have cousins and uncles serving as firearms instructors, motorcycle and youth officers.

In Watertown, Mass., the **Lawn** family is also following a police tradition. Talking about his late father, who spent three decades on the force, **Lieut. Michael Lawn** said: "I used to go out and ride around with him on weekends when I was a kid."

Lawn's sister, **Teresa Leonard**, is also on the force. "I definitely admired what Mike did, but it wasn't something I planned on," she told *The Boston Globe*. Leonard said she scored high on the entrance exam and "...figured I'd see where it went. I got called for an interview. Everything fell into place and I took it."

Grant County, Wash., marked the end of an era in June when **William A. Wiester** retired as sheriff. A Wiester has held that office somewhere in the state for the past 60 years.

Wiesters, who had been sheriff since 1990, got his start with his father, **William H. Wiester**, who served as Lewis County sheriff from 1968 through 1988. His uncle, **Bob Wiester**, was sheriff of Wahkiakum County from 1950 to 1954.

Neither of Wiester's two grown children is following in his footsteps.

Now you see them, now you don't

One Massachusetts town's loss is another's gain as **Holland's** police chief, **Donald A. Haapakoski**, took over for retiring **Oakham** chief **David I. Galena** in May.

The two lawmen came up together in policing when both joined the Worcester Police Department in 1974, then soon went their separate ways. From 1977 to 1981, Haapakoski was with the Clark University campus police, then moved on to Templeton as a patrol officer. In 1983 he joined the Ayer Police Department and worked his way through the ranks to become chief. He became Holland's chief in 2001.

"I think the Board of Selectmen did an excellent job, and I'm sure Mr. Haapakoski and the town of Oakham will be an excellent match for each other," said Galena.

Another Massachusetts town also found out recently it would be losing its chief when **Gary S. Fiedler** told Rehoboth officials he would be leaving in September to find a position closer to where son will be attending college in upstate New York.

Town selectmen were surprised by Fiedler's announcement, but said they were just happy that his departure was not connected to ill health. The chief had a serious health problem several years ago, said the chairman of the Board of Selectmen, **Frederick Skip Vadnais**.

While there was some give-and-take over the running of the agency over the years, Vadnais told *The Providence Journal-Bulletin*, there was no bitterness between Fiedler and officials.

"We weren't looking to throw him out the door," said Vadnais. "He's given the town a good, fair shake. He's done a good job here. He's earned his money here. We don't have a problem."

Fiedler, whose law enforcement career began in 1970 in Teaneck, N.J., said he will stay on until Sept. 15 to help with an orderly transition.

Jackson, Miss., officials chose **Robert Moore** as the city's new police chief in May. Moore, a federal marshal in Springfield, Ill., was selected over **Howard Paul Robertson**, formerly the highest-ranking uniformed officer in New Orleans. Moore will replace former

chief **Bracey Coleman**, who stepped down in March 2001 amid allegations that he forced a younger woman into an unwanted sexual relationship. **Jim French** has been running the Jackson department on an interim basis.

In a letter to *Narragansett, R.I.*, Town Manager **Maurice J. Loontjens** this month which said little more than that it had been a pleasure working with him and for the town, Police Chief **John W. O'Donnell** requested a retirement date of Aug. 31. O'Donnell was a 35-year veteran of the agency, the last 11 of those in the top spot.

Palm Springs, Calif., Cmdr. **Gary Jeandron** has been promoted to the chief's position, succeeding retiring chief **Lee Wiegel** on July 1.

Jeandron, 47, began with the Palm Springs department as a records clerk in 1973 and rose to become a sergeant, SWAT team leader and commander. He works well with the community, city officials and the rank-and-file, said Wiegel. "He has a great deal of integrity."

Wiegel, who said he will remain active in city affairs, created a drug task force and a citizens advisory committee during his tenure.

Boston union wins its case on exam issue

A performance review component of the Boston Police Department's civil service examination was tossed out by the agency last month after protests from the superior officers union, which argued before the state's Civil Service Commission that the test violated its collective bargaining agreement.

The department paid \$1.26 million in consulting fees to the firm of Morris & McDaniel to develop the performance review system. Police officials then spent thousands more defending it before abandoning the component just days after a report by The Boston Herald stated that a similar test had been rejected by the Colorado Court of Appeals. An appellate panel there rejected the exam last year on the grounds that it was too subjective to meet Colorado's civil service standard.

The Boston performance review

system would have required recommendations from community groups and given officers points for participating in community activities, such as coaching Little League during their off-duty time. Among the complaints made by the officers' group was the lack of a criteria for assessing candidates.

"Certainly, I would take issue with the whole concept of coaching athletic teams and reading to school kids," Thomas W. Nolan, vice president of the Boston Police Superior Officers Federation, said in an interview with Law Enforcement News. "What you do on your own time is your own business. Other people are pursuing educational opportunities and doing a whole lot of stuff that's not even mentioned in this performance review thing. And it had nothing to do with your performance as a police officer."

Massachusetts laws governing promotional examinations require appointing authorities such as the Boston Police Department to sit down with representatives of organized labor, Nolan noted. The department, he charged, tried to do "an end run around" that process.

Making its cases before the civil service commission, the union "demonstrated pretty clearly that they not only did not comply with the requirements of the law, but also violated our collective bargaining agreement," said Nolan.

The department abandoned the component because it jeopardized the entire exam process, said Mary Jo Harris, legal adviser to Police Commissioner Paul F. Evans. She told The Herald that past performance should play a substantial role in the promotional

process, but with 150 superior officers expected to retire next July, the agency did not want to fight the issue in court.

The performance review system had been hailed by the department as a way of avoiding the discrimination and reverse discrimination suits that have seemed an integral part of promotional exams. Fending off such suits was a priority, said Harris.

According to a report by The Herald in June, the million-dollar contract given to Morris and McDaniel caused controversy in and of itself. The newspaper charged that Evans passed over two lower-priced offers, rejecting a \$165,000 bid and a \$444,000 bid for the same work. Evans, the paper said, claimed the contract was exempt from Massachusetts' competitive bidding laws.

The firm was awarded a \$650,000 four-year contract last July. In addition to the performance component, which cost more than \$150,000 to develop, the company also designed other pieces of

the exam which the department still intends to use, including videotaped assessment exercises, and education and training scoring systems.

Nolan said the superior officers' group will in all likelihood attempt to litigate the BPD's new performance assessment approach. The department, he said, will use simulated, situational exercises conducted on video to assess candidates for sergeant. An appeal was sent out to the Massachusetts State Police for ranking troops to evaluate the 800 or so candidates.

"Boston police is requesting the following: One African-American officer holding the rank of sergeant or above, one Asian officer holding the rank of sergeant or above, one Hispanic officer holding the rank of sergeant or above," said Nolan. "The crazy thing about that is not only are they targeting people of a specific race or ethnicity, but they are asking the State Police. Their job couldn't be more different from an urban, metro department like the BPD."

Civilians to have their say on Denver review board

Civilians will soon be added to Denver's new police disciplinary review board, but not just any civilians. The 25 selected are all graduates of the department's eight-week citizens police academy.

Under a new disciplinary system, officers will be allowed to review the case against them before deciding whether to argue against the recommended discipline. Previously, officers could not review their cases until they were appealed.

The idea for the review board was presented by the Denver Police Protective Association in April 2000, said Sgt. Mike Scanlan, the group's president. He noted that officers have not objected to the presence of civilians on the board. In fact, Scanlan contended, some of these individuals will actually give police a fairer shake than some administrators have in the past.

However, "we wanted ones who at least knew what they were talking about and knew what we were about," he said in an interview with Law Enforcement News. "So we built into the process a couple of things."

The department sent letters to 350

graduates of the citizens academy, seeking volunteers, said Cmdr. Marco Vasquez, head of the Internal Affairs and Civil Liabilities Bureau.

In addition to attending the citizens academy, which runs one night a week for two months and includes a ride-

selected randomly from a pool when a case comes up. The officer facing disciplinary action has the right to reject two of the civilians, and the police administration can also reject two. The remaining two will sit on the board.

Two officers and two commanders will be selected for the panel in the same manner.

"The review board strikes a fair balance between the interests of employees, the department and the community," said Chief Gerry Whitman.

After taking testimony from the administration and the officer involved, the board members will review the case and vote on whether discipline is warranted. While Denver's manager of safety has the final say in all such matters, Whitman will decide whether to accept the board's recommendation.

The system will start as a one-year pilot program and be routinely reviewed.

"We wanted people who said, 'Yeah, the department is wonderful and police officers are wonderful, but there are some problems,'" said Scanlan. "We thought, fine, because there are some problems and we realize that."

The last piece of the puzzle falls into place for police oversight in Seattle. See Page 7.

along, the volunteers had to agree to go on another ride-along, and then one a year after that. Then the applicants were interviewed by a panel consisting of union representatives, police administrators and civil service officials.

Said Scanlan: "We wanted someone who didn't want to change the world. We just wanted the housewife, the doctor, the candlestick maker — the average kind of person. Someone with common sense."

Those volunteers that were selected had to attend an additional eight hours of training. Six of the civilians will be

DoJ backs down on plan to use local cops as immigration enforcers

It was an idea that did not sit well with many, if not most, of the nation's police chiefs, and this month Attorney General John Ashcroft withdrew his plan to use state and local law enforcement to enforce immigration laws.

"The Department of Justice has no plans to seek additional support from state and local law enforcement in enforcing our nation's immigration laws beyond our narrow anti-terrorism mission," he said. But he added that the agency will request that police "voluntarily" detain immigrants from those countries which sponsor terrorism.

Since the idea was first floated in a legal opinion by Justice Department attorneys, police had been concerned that such a measure would undo the bonds that law enforcement has made with immigrant communities. The legal opinion stated that a 1996 policy

which generally bars local police from enforcing immigration laws should be reversed.

Said Arlington County, Va., Police Chief Edward Flynn: "We've spent years building a trustful relationship with our immigrant communities. It was with great difficulty that we convinced them that we are not just junior immigration officers. We understand things have changed after September 11, but we are not eager to enforce general immigration laws."

Amy Bertsch, a spokeswoman for the Alexandria, Va., Police Department, called the policy a "big step backward in terms of our relationship with the immigrant community."

Across the nation, police officials in such cities as Los Angeles and Sacramento, Calif., Chattanooga, Memphis and Knoxville, Tenn., and San Anto-

nio and Austin, Texas, had expressed similar doubts about the proposal.

"It's against our official policy to detain someone to make any inquiry of legal status alone," said Los Angeles police Cmdr. Louis Gray. "If someone's arrested and it comes out that they're here illegally, that's one thing."

A climate of fear would be created under such a policy, said Sacramento Chief Arturo Venegas Jr.

In Tennessee, sheriffs and chiefs questioned the cost and time involved in trying to enforce immigration laws. Nashville police have their hands full doing the work of the city," said department spokesman Don Aaron.

"This would basically boil down to another federal unfunded mandate," said Hamilton County Sheriff Joe Cupp, president of the Tennessee Sheriffs Association.

California PD sues manufacturer over near-lethal beanbag shot

The Huntington Beach, Calif., Police Department is suing the manufacturer of a type of beanbag round which officials contend nearly killed a suspect in 1999.

According to the agency, James Marvin Davis suffered two broken ribs and a severed artery after being hit with three of the impact rounds produced by Defense Technologies, the nation's largest maker of the weapon. The agency, which is being sued by Davis, claims that Defense Technologies did not adequately warn it that the bags could be dangerous.

The incident began when police responded to a 911 call from Davis's fiancée, who complained he was drunk and acting abusively. Davis, 56, refused to leave. Believing he had a weapon, the officer opened fire with the beanbag shotgun. The rounds had to be surgically removed.

"I felt thump, thump, thump to my chest," recalled Davis. "It felt like I was being punched. I had blood running down my arms.... I remember shouting, 'Look what you've done to me!'"

The rounds were fired from 30 feet away — a distance the company deemed safe, according to a police investigation of the incident.

Defense Technologies has denied any wrongdoing. Extensive testing of the product before sale have shown the square bags to be safe, officials told The Los Angeles Times. When fired from a safe distance, they leave little more than welts or bruises, said Steve Croskrey, chief executive and president of Armor Holdings Inc., the firm's Florida-based parent company.

But in departments around the nation, the beanbag round, once hailed as a promising less-than-lethal alternative, has been coming under increased scrutiny as reports emerge of serious injuries to suspects. The number of departments that purchased the munitions from Defense Technologies has fallen, sharply, from 604 in 2000 to 288 last year.

According to surveys by law enforcement experts, 12 people in the U.S. and Canada have been killed by plastic

bullets and beanbag rounds, with dozens more suffering serious injury. These can occur when the rounds fail to hit the subject with an open face. Instead, they often remain curled or strike on an edge.

"When they fail, they fail catastrophically," said Capt. Sid Heal, a marksman with the Los Angeles County Sheriff's Department. "We're in the blunderbuss age of less-lethal weapons."

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Going beyond "pants on fire"

Study looks at language to find better ways for cops to spot a liar

It's not what you say when telling a lie, but how you say it, according to a new study from the University of Texas that looked at how the elements of language change when someone is fibbing.

In "Lying Words: Predicting Deception from Linguistic Styles," researchers from the university's Austin campus analyzed five written or spoken samples taken from students, using a software program that broke the text down word-by-word. It then compared each word in the samples against a file of over 2,000 words and separated them into 72 different categories.

"A growing body of research suggests that we can learn a great deal about people's underlying thoughts, emotions, and motives by counting and categorizing the words they use to communicate," the study said. "Interestingly, words that reflect how people are expressing themselves can often be more informative than what they are expressing."

For the study, students from Southern Methodist University and the University of Texas in Austin were asked to discuss and write both true and false views on abortion, their feelings

about a friend, and a mock crime. "What we tried to do was get them to lie about an emotional thing, like abortion, an attitude, with the friends, and a behavior, with the mock crimes," said Matthew Newman, a co-author and psychology professor in Austin.

The program, called the Linguistic Inquiry and Word Count, correctly separated liars from truth tellers 61 percent of the time overall, and 67 percent when the topic was abortion. By comparison, human judges were able to correctly classify liars 52 percent of the time on that specific topic.

The study found at least three differences in how language is used by liars. Those not telling the truth tended to use fewer personal pronouns, it said. They also used more words connoting negative emotions and told less complex stories. When attempting to tell a falsehood, "simple, concrete actions are easier to string together than false evaluations," said the study.

Using words such as "but," "without," and "except," creates a distinction between what occurred in the story being told and what did not, according to the study, which noted, "Adding information about what did not happen may require more

cognitive resources that the typical liar does not possess."

In an interview with Law Enforcement News, Newman observed that liars list activities, rather than elaborating upon them. "It's not something you really did, or really saw, so you're not going to be describing it quite as much," he said. "I wrote a paper over the weekend versus the weather was horrible and the traffic prevented me from getting to your party."

Newman noted that the FBI uses a similar method for identifying deception. It trains its agents in a technique called statement analysis, which analyzes parts of speech rather than the facts of the case or story. Suspects are asked to make a written statement and then investigators look for deviations from typical language.

One example the UT study gives is that of a man accused of killing his wife, who consistently referred to "my wife and I" rather than "we," suggesting a distance between the couple. The discrepancy would give the interrogator reason to be suspicious, the study said, and to ask follow-up questions about their relationship.

Critical thinking:

Handling the mentally ill starts with dispatchers

Providing dispatchers with the tools they need to determine whether mental illness is a factor in a call for service is an essential first step in providing an appropriate police response, according to a federally-funded study released this month, which recommended dozens of policy changes in the way law enforcement and other branches of the criminal justice system handle the mentally ill as both victims and suspects.

The report was part of the Criminal Justice-Mental Health Consensus Project, a two-year initiative led by the Council of State Governments, which brought more than 100 state and local

criminal justice officials together with mental health experts.

"Every day, police officers encounter individuals and situations in which untreated mental illness has resulted in behaviors that generate a citizen complaint or disorderly behavior," said Minneapolis Police Chief Robert K. Olson, president of the Police Executive Research Forum, which participated in the study. "My officers know we can better serve individuals with mental illnesses without risking public safety," he said in a prepared statement.

Among the report's recommendations was that dispatchers be provided

"My officers know we can better serve individuals with mental illnesses without risking public safety."

— Minneapolis Police Chief Robert K. Olson

with standardized questions that can help determine whether the caller is suffering from mental illness, is under the influence of drugs, or whether weapons are involved. The questions can appear on a computer screen or be provided in booklet form, it said.

Dispatchers should be given a flow chart that tells them who should respond to such calls, said the study, which also recommends that designated codes and appropriate language be used when dispatching the call. "Department personnel should concentrate on describing a person's behavior rather than guessing at a diagnosis or using a label that carries with it stigma and potentially misleading information," said the report.

Other key recommendations for police included the development and implementation of techniques and protocols, such as teaching officers de-escalation techniques; how to recognize signs of instability; distinguishing between criminal behavior and manifestations of mental illness, and interfacing with mental health professionals.

Written procedures should also be developed which enable officers to "implement an appropriate response based on the nature of the incident, the behavior of the person with mental illness, and available resources." Police need to document accurately contacts with subjects who are mentally ill. This would promote accountability and en-

hance delivery of services, the report said.

In an effort to reduce the number of contacts between police and the mentally ill, said the report, law enforcement should work in collaboration with mental health experts to ensure that approaches are working. "Consulting with providers serves as an evaluation tool to assess whether services were made available and assessed following encounters with law enforcement," the report noted.

Such consultations could be made part of the routine meetings between the agencies to review data. "For example, the law enforcement representative can provide the number of people who were referred for services, which can be compared to the mental health representatives' notes on how many people contacted the service." Confidentiality can still be maintained, and protocol examined, said the study.

C-OP pie gets smaller for some

Jurisdictions in Massachusetts where state community policing funds were earmarked in advance by local lawmakers will continue to find themselves well provided for, but those that did not take such action are finding themselves being served an increasingly smaller slice of the remaining pie.

"I don't begrudge the communities that get earmarked; I'm sure they need the money, too," said Pepperell Police Chief Alan Davis. "But there does need to be a re-evaluation of the system, so things can be done a little more fairly. We're working on a bare-bones budget here."

Pepperell, which received a \$23,750 grant last year, was given just \$16,000 in 2002. Without that funding, the department will face cuts in overtime and in its DARE program in 2003, he said. Davis told The Boston Globe that he just assumed that all of the departments in the state were feeling the pinch as money for such programs started to dry up. But much to his surprise, it seemed as though some agencies, far from facing cutbacks, were getting even more money.

For example, Bedford, which has just 2,500 more residents than Pepperell's 11,000, is scheduled to receive \$44,500 this year. And Harvard, half the size of Pepperell, has seen its funding increase from \$28,500 in 2001 to \$30,000 in 2002, according to figures supplied by the state Executive Office of Public Safety, which admin-

isters the \$20-million program.

In some cases, the legislative set-asides were made as far back as 1994, when the program was initiated. According to state Senator Susan Tucker (D.-Andover), Lawrence received \$1,035,770 this year, a \$100,000 increase over 2001. It was the second highest grant in Massachusetts behind Boston's \$3.3 million. By contrast, Lowell, the fourth largest city in the state, got \$642,667, virtually the same as it received in 2001.

Said Tucker: "Everyone worked very hard to keep Lawrence protected. They rely on the money tremendously and it has made a very big difference in the police department and you can see it in the neighborhoods."

Not all of Tucker's communities saw increases. Dracut, for instance, fell from \$40,000 in 2001 to \$32,000 this year. And Tewksbury went from \$46,000 last year to \$32,000 in 2002.

Community policing, she told The Globe, is high on her list of priorities. "You have to be out there early and often..." said Tucker.

But Representative Robert Hargraves, a Republican whose district includes Pepperell, Ayer, Groton and Townsend, all of which suffered funding cuts this year of at least \$5,000, said the system causes jurisdictions to suffer. In all good conscience, Hargraves told The Globe, he could not favor one town over another. The system should be based on population, he said.

The bus stops here: Court rules for cops in bus search

When two men on a Greyhound bus consented to a search of their persons and property, police were under no obligation to advise them they had the right to refuse, the U.S. Supreme Court ruled in June.

The 6-to-3 decision in *United States v. Drayton*, No. 01-631, reinstated the drug convictions of Christopher Drayton and Clifton Brown Jr. It reversed a federal appellate court which had held that in the cramped and "coercive" atmosphere of the bus, with three officers positioned at the front and back, the men could not have felt they had the right to refuse the search.

Police in Tallahassee, Fla., where the bus made a scheduled stop, found bricks of cocaine taped to the defendants' legs. One of the officers took the driver's seat, another the rear, and the third walked up and down the aisles asking permission to check carry-on baggage. When the officer asked if he could search their bags, both Drayton and Brown said yes. They also agreed to a personal search, which turned up the drugs.

With the case's implications for the war on terrorism, prosecutors' appeal

of the ruling by the U.S. Court of Appeals for the 11th Circuit was joined by the federal government. The searches on public transportation, the federal brief said, are an "important part of the national effort to combat the flow of illegal narcotics and weapons."

Writing for the majority, Justice Anthony M. Kennedy found that under the "totality of the circumstances," the men were not seized and their consent was the product of free will.

"There was no application of force, no intimidating movement, no overwhelming show of force, no brandishing of weapons, no blocking of exits, no threat, no command, not even an authoritative tone of voice," Kennedy wrote. The fact that the encounter took place on a bus, he noted, "does not on its own transform standard police questioning of citizens into an illegal seizure."

In fact, he said, the incident reflected the cooperation generally shown police by passengers who understand that such actions are initiated for their own safety. "It reinforces the rule of law for the citizen to advise the police of his or her wishes and for the police to act in reli-

ance on that understanding."

The majority opinion was joined by Chief Justice William H. Rehnquist and Justices Sandra Day O'Connor, Antonin Scalia, Clarence Thomas and Stephen G. Breyer.

In dissent, Justices David Souter, John Paul Stevens and Ruth Bader Ginsburg described the majority's opinion as having an "air of unreality" with regard to the atmosphere of "obligatory participation."

Wrote Souter: "When the attention of several officers is brought to bear on one civilian, the imbalance of immediate power is unmistakable. We all understand this," he said. "As common as this understanding is, however, there is little sign of it in the court's opinion."

A police officer, Souter observed, does not have to shout if he is certain of getting his way.

The ruling adds little new law. In its 1991 ruling in *Florida v. Bostick*, the court held that such searches were valid if a "reasonable person would feel free to decline the officers' requests or otherwise terminate the encounter." The person in that case, however, was advised he could refuse consent.

San Antonio chief wants answers on use of force

Following the publication of a newspaper analysis which found that San Antonio police had dealt more harshly with minorities than they did with whites during 1999 and 2000, Police Chief Albert Ortiz has ordered his command staff to uncover the potential causes for the imbalance.

"If it's a problem that we have, let's rectify it," Ortiz said. "Let's address it. What I have done now is directed my Internal Affairs staff, my training staff and my executive commander...to get to the bottom of these disparities."

The San Antonio Express-News examined 6,400 use-of-force incident reports filed between 1998 and 2002, and data pertaining to 84,000 arrests between 1999 and 2001. It excluded 1,000 records that contained no data on a suspect's ethnicity, and another 1,500 where police pulled weapons as a safety measure.

Of the remaining 3,800 incidents, the newspaper's analysis found that African Americans and Hispanics were involved in 46 and 44 police altercations per 1,000 arrests, respectively,

between 1999 and 2001. By contrast, whites were involved in 24 use-of-force incidents per 1,000 arrests during those years.

Fourteen percent of incidents involved blacks, who make up 6.5 percent of San Antonio's population. They made up 11 percent of arrests in 1999 and 2000. On the city's predominantly black East Side, police received the fewest calls for service those years, but the community ranked high in use-of-force incidents per 10,000 calls, according to the analysis.

The West Patrol area, which has a predominantly Hispanic population, had the highest rate of use-of-force incidents and logged the greatest number of calls for service in 2000. The area came in second behind the East Patrol area the previous year. Force was used against Hispanics in 63 percent of all incidents. Of the 58,500 arrests made in 1999 and 2000, 56 percent involved Latinos, who make up 59 percent of the city's population.

Those officers who used the most force against Hispanic were Hispanic themselves, the analysis said. More than two-thirds of their suspects were Latino, a higher proportion than was found among either white or black officers.

Whites were found to be the least likely to be involved in altercations with officers, regardless of the officer's ethnicity. About 20 percent of use-of-force cases involved white suspects. Anglos make up 32 percent of San Antonio's population and accounted for 33 percent of all arrests.

The department began compiling the use-of-force reports in 1998, but withheld the data for nearly four years, fearing it would be misconstrued. Last month, however, city officials were forced to turn over the database when it lost an appeal before the Texas Supreme Court.

In addition to the racial disparity, research by The Express-News also found that those officers involved in the highest number of use-of-force incidents were seldom if ever disciplined. They tended to be some of the department's most aggressive officers, making above-average numbers of arrests and were frequently praised by supervisors.

A group of 14 officers have pulled their weapons or physically subdued subjects an average of 35 times a piece, according to the newspaper. They have received 52 commendations and have been disciplined a total of three times. One was promoted to detective and several others assigned as field training officers.

Officer Kevin Nogle, who trains rookie officers, made 307 arrests in 1999, when the average officer made 42. Nogle was involved in 31 use-of-force incidents in 1998, the eighth-highest number in the department that year.

Another member of the group of 14, Officer James Vinson, was sued in 1999 when in a rush to help a fellow officer he believed was in trouble, he punched a legally blind man on a fishing trip with his 13-year-old son. Vinson claimed in the report that the man, Allen James New, was coming at him.

In another suit, Officer Brian Sullivan is accused of having choked a man to the point of unconsciousness after responding to a neighbor's complaint about loud music. Sullivan has denied the allegations.

Police and union officials, however, have defended the officers' records. The high number of incident reports, they told The Express-News, does not indicate that excessive force was used. "This doesn't mean you have a problem," said Rene Rodriguez, president of the San Antonio Police Officers Association. "You're going to have more use-of-force reports if you're going out and making more arrests. These are some good police officers."

Officer Michael Grogan, who logged the highest number of force reports, 49, recalled an incident in 1999 in which he subdued a suicidal 19-year-old who had asked Grogan to kill him. The man was armed with a large knife and had cut his wrist. Although police were able to take the knife away after Grogan slapped him on the forehead, the subject tried to walk away, he said. "He tried to push me and I arm-barred him and took him to the ground to be handcuffed," Grogan explained in his incident report.

That same year, Nogle saw a man shoot several people. Using minimal force, he was able to take the man into custody by pointing his handgun at the shooter. The following year he was commended for subduing the drunk and violent father of a murder victim at a crime scene.

Closer look at Boston shootings

Following a string of fatal police shootings of civilians over the past 18 months, the Boston Police Department has revived an internal review board that will examine every instance in which an officer's weapon has been discharged.

The high-level panel, which includes legal staff, academy training instructors and agency brass, has been meeting monthly for nearly a year, according to Mary Jo Harris, the BPD's legal adviser. Co-chaired by Supt. Paul Joyce, who heads the department's investigative branch, and Supt. Bobbie Johnson, head of the patrol division, the panel will report directly to Commissioner Paul F. Evans.

Over the past year and a half, seven civilians have been killed by police in the city — six by members of the BPO, and one by an officer with the Boston Municipal Police, a separate agency that follows BPO's guidelines on use of deadly force. The recent surge of shootings contrasts with the department's record over the past decade, when it averaged approximately one fatal

shooting a year. Statistics show that from 1990 to 2000, Boston police had the lowest number of fatal shootings among 33 of the nation's largest police agencies.

The review board is currently examining 14 cases that date back five years, to the time when its predecessor, the Firearms Discharge Review Board, was disbanded. They include five fatal shootings by Boston police, including one in February during which an unarmed Roxbury man, Willie Murray Jr., was shot in the head by an officer who pulled him over for driving without headlights down a one-way street.

In fact, three of the last six deaths involved someone in a car, noted City Councilman Chuck Turner. "To use deadly force because someone has stolen a car — there's no justification for that," he told The Boston Globe. Turner questioned whether department guidelines "really help officers understand how they should apprehend people without using deadly force."

The most recent incident occurred on May 21 when a suspect was shot in Roxbury after allegedly trying to run down officers with a stolen car. The victim, Nelson Santiago, 39, had

a long criminal history that included assaulting police and resisting arrest.

In the case involving Murray, a grand jury in March voted not to indict the officer, who had stuck the barrel of his gun into a crack in the window and fired when the car rolled several feet forward.

Unlike its predecessor, the review panel will not focus on individual cases where the accountability of the officer is in question. Rather, it will look for any potential problems in training or supervision. The panel is not prohibited, however, from stepping in and recommending action against an officer if it finds that the internal affairs investigation was flawed, according to a report by The Globe.

"The question was raised, should we be looking to expand how we review firearms discharges and see if there is some way of looking at patterns and practices that we might not be capturing in the way we investigate shootings currently?" said Superintendent-in-Chief James Hussey, who began developing the board with Evans in 2000.

Triple play:

Seattle oversight system is ready to go

With the appointment last month of the members of the city's new Office of Professional Accountability (OPA), Seattle officials put into place the last piece of a tripartite police oversight system that has been in the works since 1999.

The three members appointed to the OPA Review Board will not have the power to investigate individual complaints, but will review decisions when a disagreement occurs between the department and its independent auditor, a mayoral appointee who reports twice a year to the City Council. The board members will also review edited copies of decisions made by the OPA, looking for trends and offering policy recommendations, and will participate in community outreach initiatives.

Efforts by officials to change the way misconduct complaints were handled began with the scandal that erupted over a veteran homicide detective, Sonny Oavis, who was accused of stealing \$10,000 from the home of a murder victim, then returning it. While numerous officers had heard about the

incident, it did not come to the attention of officials until Davis's partner casually mentioned it to prosecutors 2½ years later. Prosecutors were twice unable to convict Oavis, with both cases ending in mistrials.

Separate review panels and task forces were created by the mayor's office, the City Council and the police department. A citizens panel appointed by then-Mayor Paul Schell recommended in 1999 that the department's Internal Investigations Section be replaced with the OPA, and that it be headed by a civilian. In 2000, Sandra "Sam" Pailca, manager of King County's Labor Relations Division, was chosen as director of the OPA, whose internal investigations unit includes a captain a lieutenant and six sergeants.

After resisting a proposal to form

the review board, the city's Police Guild came to an agreement with the council in November that paved the way for the panel.

The new system will work like this: Complaints or commendations will be sent to the OPA for investigation by the unit's sergeants. Their recommendation will be sent to Pailca, who will either concur with the finding, order further investigation, or recommend a different finding to the chief, who then makes the final decision as to whether punishment is warranted. The review panel, in most cases, will not know the identities of the officers being investigated. Their role is to look for trends and suggest policy changes.

One of the more significant changes will be the addition of in-person interviews. Prior to the creation of the OPA, investigators submitted their questions in writing.

"The actual role of the panel is, by law, very narrow," said Chief Gil Kerlikowske. "It's almost like these three silos. It's a pretty complicated system and there is a lot yet to be

worked out."

Appointed to the board in May were Peter Holmes, a commercial attorney; John Ross, a former agent with the Bureau of Alcohol, Tobacco and Firearms, and Lynne Iglitzin, a mediator and former head of the Seattle Human Rights Commission.

"The people are outstanding," Kerlikowske told Law Enforcement News. "They have great credibility and have gone into this with incredibly open minds, not being seen as partisan to any elected body or particular group. Seattle has a lot of activist individuals, activist groups," he said.

Some critics claim, however, that the new process leaves the investigation of police in the hands of the department. Said Julia Hampton, legal program director for the ACLU of Washington: "A volunteer board without serious professional staffing can't be expected to do an awful lot."

While Mayor Greg Nickels said he would consider granting Pailca subpoena power, no specific proposal has been made, according to The Seattle

Post-Intelligencer.

"There's this continuing quest by cities, everyone seems to be looking for some perfect system," said Kerlikowske. "I think we all know in the profession there is not a panacea for this and that whether you have outside civilian review boards, independent civilian review boards, on and on, the findings are pretty dramatically consistent, whether it's an outside system or a department system — pretty similar."

While it is still too early to tell what effect the three-member board will have on the system, Kerlikowske said he had been pleased, by and large, with the OPA process.

"We have no experience with the review board, but we've had 10 years experience with the auditor who made these reports to the Council," he told LEN. "We've had one full year of experience with the OPA director who just issued her second report. Lo and behold, the rate of sustained complaints is pretty much the same as when we had a captain in charge of internal investigations."



Pailca

LAPD monitors serve up mixed reviews

While the Los Angeles Police Department was recently given an "A" by the monitor in charge of seeing that Christopher Commission recommendations are carried out, the news from the department's other monitor, the one who observes whether the LAPD is living up to the provisions of a federal consent decree, was not quite as rosy.

According to Jeffrey Eglash, the LAPD's Inspector General, the department's efforts to follow up on misconduct complaints in the decade since the Rodney King beating have been "by and large successful." The report by Eglash is the first of its kind since the position of civilian watchdog was created in 1995. "With respect to the discipline system, I think we are doing well," he said. "But we need to go to the next level."

The highest percentage of complaints, 22 percent, were for discourtesy, according to the report. There were also a fair number for negligence, unbecoming conduct and use of force.

Preventable traffic accidents accounted for the most frequent allegations against officers by the department. Of those types of complaints, fewer than one-third were sustained between 1998 and 2001, said the report. Those complaints brought by the public were sustained at a lower rate — 14 percent.

Overall, the department should develop a "customer service mentality" toward the public, which would allow supervisors greater flexibility in responding to complaints. They should prompt "introspection" by police officials, not just disciplinary proceedings, the report said.

Eglash's findings were released just two days after the forced retirement of Chief Bernard C. Parks, whose bid for a second five-year term was rejected earlier this year by the Los Angeles Police Commission, the agency that will examine the IG's report.

The timing of the report, said Eglash, does not reflect on the former chief's stewardship. But Eglash did note that under Parks, the LAPD went "as far as any agency I'm aware of in terms of recording or tracking complaints." In fact, Parks's 1998 order that all complaints be recorded and investigated, no matter how minor, threw the department into an uproar.

With internal investigations of complaints nearly tripling, the department came close to being overwhelmed in its ability to conduct such probes. Such was the controversy that Parks was forced to scale back his initial reforms, according to a report by The Los Angeles Times.

Another area Eglash explored was the charge that Parks's disciplinary system favored some commanders over rank-and-file officers. In six cases identified by the report, the Inspector General found that some high-ranking officers did draw lighter penalties than those of lower rank for the same violations. While questionable, there were mitigating circumstances in each incident, said the report, which did not draw any conclusion beyond the fact that a disparity seemed to exist.

In a separate report, the Inspector General found the number of officer-involved shootings has fallen steadily, from 97 in 1999, to 79 in 2000 and 66 last year. Use-of-force incidents fell as well, from 124 in 1999 to 116 in 2000 and 118 in 2001. The most significant decrease, according to the report, was in the number of animal shootings, which dropped by 53 percent between 1999 and 2001.

Meanwhile, in the third quarterly report issued since the LAPD entered into a federal consent decree last year, court-appointed monitor Michael Cherkasky found that efforts to make the mandated changes were being undermined and belittled by some officers.

Cherkasky and his team found this the most disturbing of all the problems cited. This public denigration, the report said, "represent[s] a deliberate effort to create resistance to the consent decree."

"The LAPD is non-compliant with a number of provisions of the consent decree. Of equal or greater seriousness is the presence of a vocal minority inside the LAPD that continue to fight to preserve the insular culture that led to the adoption of the decree," the report noted.

At one meeting it mentioned, an officer called the reform efforts "unnecessary and time-consuming." Another was quoted as saying: "The LAPD is the biggest fish that the [Department of Justice] ever got on the line. They got us."

While Cherkasky and his team of monitors from Kroll Associates did not identify the officers, they stated that some were members of the department's Consent Decree Task Force, the group responsible for seeing that provisions are implemented.

The department has moved swiftly to develop a computerized system for tracking potential problem officers and for investigating use-of-force incidents, but it has failed in its efforts to prevent racial profiling through a data collection program, according to the report.

DA takes a stand on cop credibility

Prosecutors, and not defense attorneys, will be the ones to request a review of police personnel files when there is a suspicion that a poor disciplinary record could compromise an officer's credibility on the stand, according to a new directive issued this month by Los Angeles County District Attorney Steve Cooley.

Under the policy, prosecutors who believe that an officer's prior misconduct could hurt their case must formally request that the police agency search the records for such material. If data that could help the defense is found, prosecutors will be required to file a motion asking a judge to review the records.

Disciplinary material will not be used, however, unless the department or the DA's office finds the evidence

against the officer to be "clear and convincing," a legal standard just below that of reasonable doubt.

Cooley's policy also calls for the creation of a database of such material. That idea, first floated by his predecessor, Gil Garcetti, was killed by Cooley when he took office in 2000. The proposal had prompted a suit by the powerful Los Angeles Police Protective League (PPL). Instead, Cooley formed a committee comprising defense attorneys, police and prosecutors.

The database's value is debatable, argued defense attorneys. While considered a "revolutionary" step by attorney Gigi Gordon, who served on the committee, others complained that the database will exclude most complaints against an officer unless the complaint meets a high standard of proof.

"They're knuckling under to the police union," said Deputy Public Defender Mark Harvis. "The data bank is not a big breakthrough... because the amount of information in it will be so limited and very restrictive."

At present, the LAPD has removed from arrest-making responsibilities any officer whose disciplinary records involve perjury or the falsification of documents. The controversial policy is the subject of an as-yet-unresolved lawsuit against the agency, and has been criticized by the PPL.

"There's a good deal of interest throughout California in what L.A. County is doing," said Larry Brown, executive director of the California District Attorneys Association.

Due to problems with an automated system, fewer than one-third of more than 378,000 forms recording the race of those stopped by officers have been electronically recorded.

Other problems cited included a database of police informants that held incorrect and outdated information. Audits on excessive force, the report said, were "seriously flawed and many substantive errors were made."

And, in a study released in June, researchers from the University of California and the University of Southern California found that community policing efforts were severely compromised

during Parks's tenure.

According to three officer surveys conducted by Wellford W. Wilms and Alex J. Norman of UCLA and Warren H. Schmidt of USC, between 1996 and 2000, job satisfaction fell dramatically beginning in 1998, the year Parks assumed command. Nearly 80 percent of officers polled said they feared being punished under a disciplinary system that called for the investigation of every offense, no matter how minor.

"Officers' increasingly negative feelings translated into the highest rates of attrition in the department's history," the researchers said. "In such a climate

and absent leadership from Parks, the commitment to community policing withered."

As an example, the authors cited the experience of the Hollywood Division where community policing was implemented during the mid-1990s. While job satisfaction ratings were falling by 1998, some 83 percent of Hollywood Division officers said they felt they were part of a team; 91 percent rated their captains as good leaders; and more than two-thirds said they were encouraged to try new ideas. Moreover, Hollywood robberies declined by 31 percent, and burglaries by 19 percent.

Once a thief, always a thief, says BJS study of recidivism

Robbers, burglars and car thieves, among other property crime offenders, had the highest recidivism rates three years after being released from prison, while convicted murderers and rapists had the lowest, according to a study by the Bureau of Justice Statistics.

The report, "Recidivism of Prisoners Released in 1994," based its findings on the prison and criminal records of 272,111 discharged inmates in 15 states. Researchers kept tabs on them through fingerprints at various points in the criminal justice system. It is the largest recidivism study ever conducted in the U.S., according to the agency.

Among its key findings were that the percentage of those rearrested within three years of release in 1994 rose by 5 percent from just over a decade earlier, or from 62.5 percent in 1983 to 67.5 percent. Overall, 52 percent of the former inmates wound up rearrested because of either a new crime or parole violations.

Property offenders, particularly car thieves, had the highest recidivism rate — 78.8 percent, and accounted for 73.8 percent of recidivists. The study also found that 61.7 percent of violent-crime offenders were rearrested, although not necessarily for another violent crime.

Forty-one percent of those convicted of homicide were rearrested within the time; and those convicted of driving under the influence of drugs or alcohol in 51 percent of cases. Approxi-

mately 1 percent of released prisoners who served time for murder were rearrested for another homicide within three years, it said.

Nearly half, or 46.9 percent, were convicted of a new crime, and 51.8 percent ended up serving time for either a technical violation of parole or a new prison sentence, the study said.

Men, the study found, were more likely to be arrested than women, 68.4 percent to 57.6 percent. Blacks were also more likely than whites to be rearrested. They were also reconvicted, returned to prison and resentenced at higher rates than were whites. Younger prisoners, the study said, were rearrested at a far higher rate than were older ones. Eighty percent of those under 18 were rearrested, as compared to 45.3 percent of those 45 or older.

An average of four new crimes were attributed to the 67.5 percent of inmates released during the three years period, or 744,480 offenses. Over 100,000 were charged with a violent crime, including 2,900 homicides, 2,400 kidnappings, 2,400 and 3,200 sexual assaults. Some 21,200 new robberies were reported, 54,600 assaults and nearly 13,000 other violent crimes.

From 1994 through 1997, 40,300 charges of burglary were brought against the released inmates; approximately 16,000 for motor vehicle theft; and 79,400 for drug possession. In total, the 744,480 new charges consisted of 688,720 committed in the same state

that released the prisoner, and 55,760 committed in another state. The most arrests of out-of-state offenders, according to the study, were made in California, New York and Arizona.

While only 22.5 percent of the prisoners tracked by the study were incarcerated and released in 1994 for a violent crime, more than half of the nearly 300,000 in the study had been arrested for prior violence, and 21.6 percent for a violent crime after their release. Overall, 67.8 percent had a record of violence.

According to the research, past criminal history is a "good predictor of whether the prisoner will continue to commit crimes after being released." Those with just one prior arrest, it said, have a 40.6-percent rearrest rate. That figure rises to 47.5 percent with two prior arrests, and up to 55.2 percent with three. Prisoners with more than 15 prior arrests have a recidivism rate of 82.1 percent.

Researchers found no evidence, however, that spending more time in prison raised the recidivism rate. Conversely, it was unclear whether spending more time behind bars reduced it. There was little difference in the rearrest rate among those who spent six months or less in prison — 66 percent — and those who served 25 to 30 months before being released — 68.3 percent. Those who served the longest time, 61 months or more, had the lowest rearrest rate — 54 percent.

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Sider:

New resources to fight a heavy problem

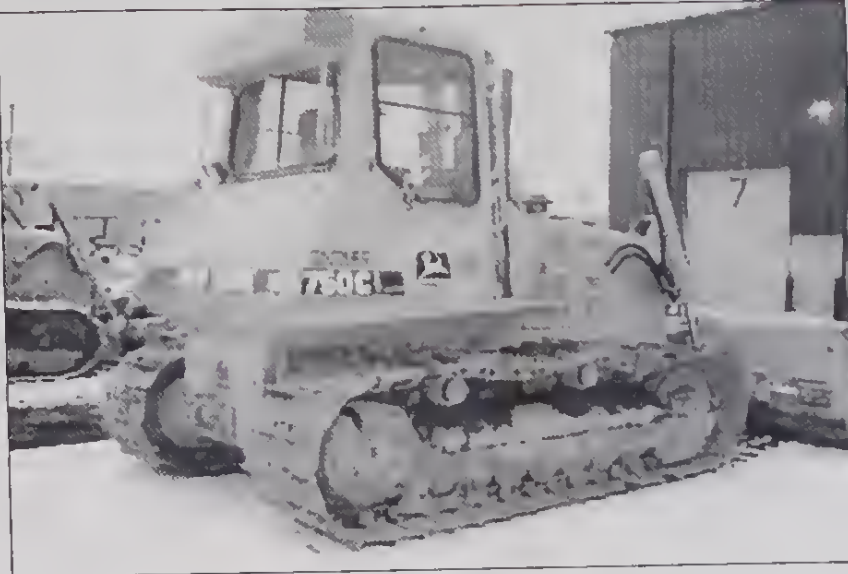
By Glen Sider

Remote work sites with inadequate security allow thieves in the United States to steal an estimated \$1 billion of heavy equipment annually. This includes machines commonly used in construction, highway maintenance, farming, agriculture and forestry. With theft reports to insurance companies having increased by as much as 20 percent each year since 1996, and with 53 percent of all insurance claims involving heavy equipment thefts, this is a problem that must be overcome.

Complex Investigations

Heavy-equipment theft investigations are complex and often frustrating for officers due to non-standard numbering systems, the absence or inaccuracy of theft reports and the absence of a source of ownership data for heavy equipment. The complex nature of identifying heavy equipment and little or no checks in the used equipment market has led to as little as 10 percent of this equipment being recovered. To identify a piece of heavy equipment requires a level of expertise which increases with the type of equipment in question and the degree of sophistication of the thief. Even equipment that has not been "disguised" or "re-tagged" may have the PIN or serial number in any number of places, some harder to find than others. Other identifying numbers and plates are associated with parts and attachments, further confusing the identification procedure for the untrained investigator. Officers know this from experience and are often, understandably, reluctant to get involved in equipment investigations.

The unavailability of accurate data on equipment ownership for law enforcement has also contributed to the low recovery rate. If an officer were to stop a car in suspicious circumstances, even if the theft had not yet been reported, the true owner of the vehicle could quickly be determined. Until



2002, however, this could not be done for heavy equipment, as there is no title or registration system for off-road equipment. With no standard numbering format for heavy equipment, data entry error is common and there may be confusion as to whether to file the loss as an "article" or a "vehicle" in police computers.

New Resources

Much of this is now changing. With the launch of the National Equipment Register in August 2001, there has been a resurgence of interest on the part of insurance companies and law enforcement in fighting what has been an ongoing and seemingly insurmountable problem. NER, funded primarily by the insurance industry, maintains a national database containing thousands of stolen

equipment reports and millions of ownership records. NER provides cost-free access to its information resources to law enforcement 24-hours a day, seven days a week.

NER's database is linked to ISO ClaimSearch®, the insurance industry's all-claims database operated by Insurance Services Office Inc., which allows insurers to seamlessly pass equipment losses to NER, thereby ensuring that the maximum number of losses are reported. NER also accepts theft reports from uninsured owners online at www.nerusa.com, allowing their reports to be included in the register's database. This combination of technologies provides a degree of detail, speed and nationwide coverage never before seen in the use of data to fight equipment theft.

By calling NER's toll-free number (1 866 6 NER USA), officers can receive assistance with identifying a piece of equipment, locating Product Identification Numbers, verifying that the PIN matches the type of equipment in question and deploying personnel to assist with an investigation. Calling NER allows officers to determine whether or not a suspicious or impounded piece of equipment is listed as stolen on the NER database, and to request information about the last known owner of the equipment in question.

For Internet users, NER's database of stolen equipment is available to law enforcement in a password-protected area of its Web site. Once registered as an online user, an officer can check suspicious machines against the NER database of stolen equipment. Also utilizing Internet technology, NER can send out regional theft alerts and is developing additional password-protected tools to enhance the services provided to law enforcement, such as a database of PIN locations. For training purposes, NER provides investigation tips on its Web site and conducts seminars throughout the year at local meetings and regional training conferences.

Equipment Red Flags

Based on extensive experience with equipment identification, and from working with law enforcement at the federal, state and local levels, NER suggests that officers focus their suspicion on the most commonly stolen types of equipment. This would include loaders (including skid steer), tractors, backhoe loaders, forklifts, generators and compressors. When determining whether or not to further investigate a piece of equipment found in suspicious circumstances, officers should consider the following "red flags":

- ❑ Equipment that has identifying markings (paint/decals) removed or painted over
- ❑ Equipment with missing PIN plates.
- ❑ The type of equipment does not suit the location — such as construction equipment on a farm or a backyard in a residential area with no building activity.

- ❑ Equipment not in an unsecured location that has not been moved for some time — either by repeat observation or the age of tracks.
- ❑ Equipment being transported late at night or on weekends or holidays.
- ❑ Hauled equipment that lacks the proper tie-downs, over-width/over-weight signs or lights.
- ❑ Equipment being hauled on trucks not specifically designed to carry such equipment
- ❑ New equipment on old transport
- ❑ Labels/markings on a piece of equipment that do not match those of the unit carrying it
- ❑ Equipment you determine to have been purchased at a price well below market value.

Case Studies Prove Worth of Free Service

A sampling of case studies illustrate the effectiveness with which NER can link unidentified and suspicious equipment to an owner, providing rapid closure to what otherwise could result in an extensive investigation that may never result in resolution.

Owner Had Not Discovered Theft: While serving a search warrant at a remote residence, officers found a bulldozer among other stolen autos. The officers called NER for assistance in locating and verifying the PIN information and to determine if the unit was stolen and who the proper owner was. NER located the proper owner, who had no idea that his unit was missing. As no police report or insurance claims had yet been filed, there were no records anywhere of the theft. A search of NCIC would not have helped in this case.

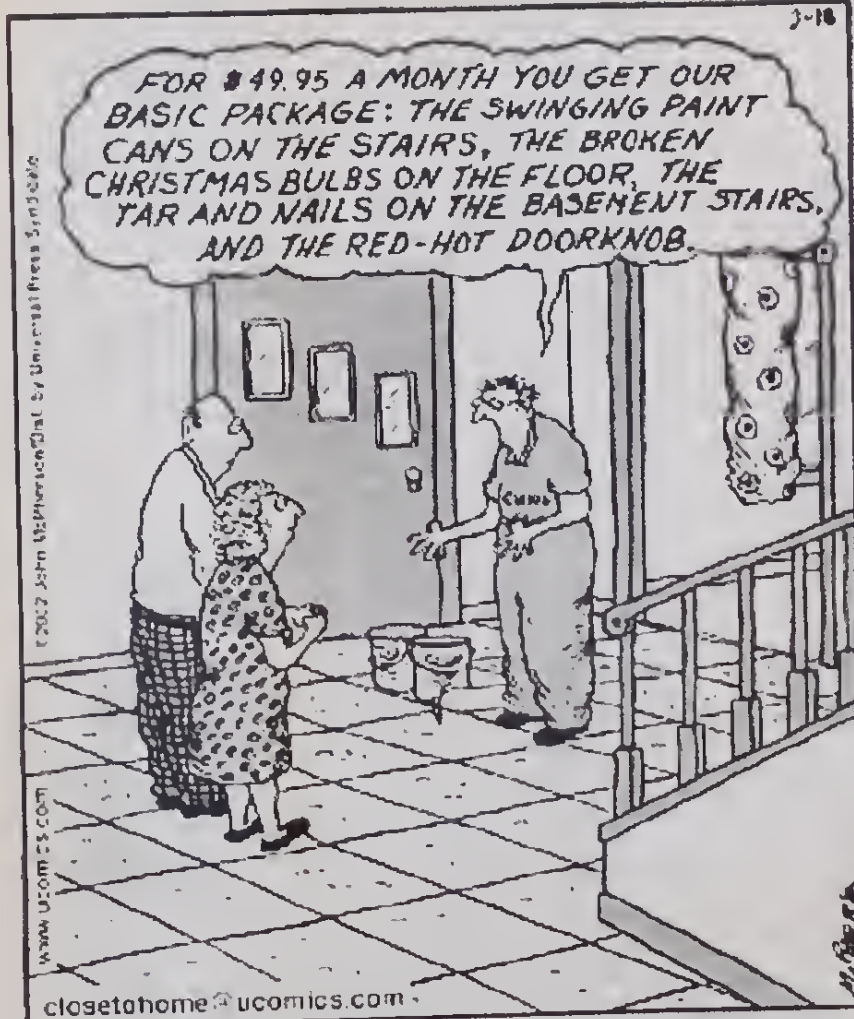
Among other methods of proving ownership, the owner confirmed that his company decals were a similar size and were posted on the unit. The officers did see the remnants of two ground-off decals, but they were indecipherable. The owner had left the unit at a work site off of a local highway and had not checked on it for some time. As the unit was inoperable, finding the proper owner allowed the officers to save the costs of transport by having the owner remove the unit himself.

Roadside Stop: NER received a call from an officer who had just pulled over a man on the highway in an older model pick-up truck towing a newer model Mustang Skid Steer Loader on a makeshift trailer. As the man was unable to provide proof of ownership or even a satisfactory explanation of the transport, the officer impounded the unit. The officer called NER to see if the unit was listed as stolen, and for assistance in identifying any true owner of the loader. NER located and contacted the proper owner of the unit, who had only just realized it was missing and was sending an employee to the local police station in a different county to report the theft. NER provided the ownership details to the investigating officer only one day after the theft. The officer was able to contact the owner and arrange for the return of the unit to the owner prior to a report being made.

Wrong Item: NER received a call to assist an officer with the identification of a recovered Case Skid Steer Loader. NER was able to research and identify the current owner of the recovered unit. When the officers met with the owner they learned that he had two Case Skid Steer Loaders and he had inadvertently reported the wrong one's PIN to his local police department. As it was later discovered, the report originally made by the owner had made it into NCIC, but due to the owner's error NCIC listed the wrong PIN. Therefore, a search of NCIC in this situation, would not have matched this unit with its rightful owner.

Law enforcement should not be discouraged by a "no hit" on NCIC. The trail does not stop there. NER is available 24 hours a day to help officers identify the owner of a piece of heavy equipment.

(Glen Sider is Operations Manager for the National Equipment Register Inc. For more information on NER, visit the Web site at www.nerusa.com or call toll-free 1-866-6-NERUSA.)



His acting career long behind him, Macaulay Culkin launches a successful home-security business.

Debate over forfeited assets is heating up

Continued from Page 1
Under this new statute, that's no longer the case."

The amount of money produced through asset forfeiture will be far less, he said.

"It was never the intent of forfeiture law that law enforcement come to a place where it depended on it," Ritter told LEN. "It would be bad if law enforcement engaged in public nuisance abatement just to fill their own coffers. But that wasn't happening."

Not Alone

Colorado is not the only state where the issue of civil forfeiture has been heating up in recent months.

In Utah, members of the Legislature's Law Enforcement and Criminal Justice Interim Committee placed drug forfeiture law approved by voters in 2000 on the top of their agenda. Known as Initiative B, the law forces police agencies to turn over forfeiture proceeds to the state treasurer's office where it is earmarked, after costs, for the Uniform School Fund.

Over the past 18 months, however, police agencies have complained that the initiative has cut into their funding

and has endangered drug-fighting efforts.

"It hit us several hundred thousand dollars per year," said Earl Morris, deputy commissioner of the state Department of Public Safety. A single stop by the Utah Highway Patrol, an agency overseen by Morris, could net up to \$1 million in cash. In April, troopers pulled over a vehicle that contained \$275,000 in cash from drug profits. Prior to Initiative B, the agency would have been allowed to keep it; now it had to turn it over.

In an interview with The Deseret News, Morris noted, "\$275,000 would enhance drug efforts for an entire year for the Department of Public Safety."

New Mexico lawmakers in February passed legislation as part of Gov. Gary Johnson's drug reform package which overhauled the state's asset forfeiture law. Containing many of the same provisions as Colorado's law, the legislation requires conviction before seizure and turns over the assets to the state rather than law enforcement. A ruling by the state supreme court in 1999 said police could no longer seize assets first, then throw out criminal charges. The two actions, it said, must

be part of a single proceeding.

The state's police chiefs warned lawmakers that changing the forfeiture rules would make it harder to enforce drug laws. Said Santa Fe Chief John Denko, "Anything we do to water it down is just going to create more drug trafficking in the future."

And in Washington, after failing to gather the 200,000 signatures necessary for a reform of Washington's asset seizure laws, backers of the initiative known as I-256 said they would submit to lawmakers in Olympia a far more radical measure that would effectively eliminate all civil forfeiture, with very few exceptions.

"At least they're finally being honest," state Representative Christopher Hurst, who is also a Black Diamond police detective, told The Seattle Post-Intelligencer. "There is no way the citizens or the Legislature will allow criminals to keep their ill-gotten gains. This is an open invitation to criminals to come to Washington state."

Under the revamped initiative, police could only seize property "intrinsically harmful" to the public, such as illicit drugs, child pornography or fireworks.

Turning a blind eye to 'driving while female'

Continued from Page 1

it took the Nassau County, N.Y., Police Department months to investigate a formal complaint made by a woman who said an officer threatened to charge her with DUI unless she had oral sex with him. The officer, Matthew Murphy, ultimately pleaded guilty to charges of receiving a bribe and official misconduct. He was sentenced to five years probation in August 2001.

After an eight-month investigation, Nassau police filed departmental charges against six officers for mishandling the complaint. Five months passed from the time the victim made her allegation in August 2000 until it was seriously pursued by internal affairs.

"There is evidence from enough cases that other people knew, and nothing was done," said Walker. "That clearly came across in the [Frank Wright] case and some others. The heart of the problem is really bad management and lack of supervision."

The study also points to a "pervasive sexist culture" that manifests itself in employment discrimination against women; tolerance of sexual harassment within the department; systematic failure to investigate domestic violence when the alleged abuser is an officer within the agency, and inadequate maternity policies.

Among the recommendations the study makes is that data be collected to determine whether a pattern of "driv-

ing while female" abuses exists within a department. "At present we don't know exactly how extensive the DWF problem is," said the study. "The anecdotal evidence, particularly the many cases of officers who have been convicted of some form of sexual abuse, suggests that the problem is serious and widespread."

With gender information being among the data that many agencies already collect at traffic stops to investigate possible racial profiling, those departments that also include the identity of an officer can analyze whether a particularly high number of women are being pulled over. Those that do not identify officers as part of this process should, said the study.

A formal policy should also be immediately issued to prohibit DWF abuse and be made part of both in-service and recruit training, it suggested.

"The in-service training is especially important because experienced officers who may have engaged in some form of DWF in the past need to be instructed that such activity violates department policy," said the study.

Walker also recommended that supervisors be advised that all allegations and rumors of such behavior be taken seriously and promptly investigated; a more accessible citizen complaint process be implemented, particular for women, and that more female officers be hired.

Headlines are not enough

Affirmative-action programs looking a little black & blue
The jury is still out on community policing
Law enforcement is too much
Time to rethink academy & field training
Maternity-leave

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Law Enforcement News

(63002)

A publication of John Jay College of Criminal Justice/CUNY

Cancer-care network buoys cops' spirits

Continued from Page 1

versity of Texas at Houston Police Department said officers have been visiting their ailing colleagues from out of town for "100 years." Dones, he said, "just formalized it."

So far, more than 100 police agencies from Alaska to Maryland have joined the network. In addition, the social services units at M.D. Anderson and New York's Columbia Presbyterian hospital and Memorial Sloan-Kettering Cancer Center have also "come on board," said Dones. "God forbid you get sick," he said. "Your husband or whoever's with you won't have a lot of time to look at all the resources at that location. They're going to be really dependent on the social worker to try to give you those resources."

The support network tries to do all the homework for caregivers so they can spend more time with their patient. The group provides officers and their families with discount airplane tickets, transportation, affordable housing and financial help, as well as emotional support. There is a teletype-like system in place so that when any officer has to leave the state for treatment, a network is in place, said Dones.

"As a patient, I'm really well aware of what you need when you're away," he said. "Phone cards, a phone line, all you have is a phone when you're away and you don't know anyone. A simple blood drive. In New York, I would have no problem. Try getting a blood drive when you're in another state — like Texas — and you don't know anyone. The network takes care of that for the officers and their families."

Robert "Fig" Newton, 29, a Penn-

sylvania state trooper suffering from bone cancer, learned about the support network like many other seriously or critically ill officers do, through word or mouth or information in brochures passed on by social service directors. He and his wife, Stacy, travel from Pittsburgh to Houston every two months for his treatment.

Even when he is not up to visitors, network members routinely check on Newton and his wife. Said Donald Cohn, an investigator for the Harris County district attorney's office: "When Bob first came here, he didn't know who to contact or about accommodations."

"I definitely feel like I'm loved," said Newton.

Coming Up in LEN:

No mere Chicken Little, former chief Tony Bouza looks at the end of the street-violence "honeymoon," and why police are in denial about it.

Only in Law Enforcement News.

Taps, tips & stops

(A roundup of recent court rulings from around the country.)

PRIVACY — The California Supreme Court last month ruled that since prisoners have no expectation of privacy while incarcerated, authorities may secretly and without a warrant tape-record inmates' conversations in order to gather evidence of crimes. The court made an exception, however, for consultations with attorneys. [People v. Loyd, 27 Cal. 4th 997; 45 P.3d 296.]

ANONYMOUS TIPS — The New Jersey Supreme Court in May reversed decisions by two lower courts when it held unanimously that a single anonymous tip was insufficient reason to detain and search drug suspects, even if the individuals consent to the search. Writing for the court, Justice Peter Verniero said: "An anonymous tip, standing alone, is rarely sufficient to establish a reasonable, articulable suspicion of criminal activity. Police... must verify that the tip is reliable by some independent corroborative effort." [State v. Rodriguez, 172 N.J. 117; 796 A.2d 857.]

FALSE WITNESS — Attorneys should not be "constrain[ed] or discourag[e]d" from pursuing a claim for their client, the North Carolina Court of Appeals ruled in May, in a case involving two lawyers who were sued when they said a Durham police officer signed false affidavits. Officer Jeremy Caine Fuller. Fuller and another officer were accused of stealing \$2,200 from a citizen during a 1999 traffic stop. The accusation against Fuller was ultimately dismissed, but attorneys Alexander Charns and Cole Williams claimed that Fuller signed a statement prepared by the City Attorney's office, although he lacked knowledge of the subject matter. Judge Henry Barnette then penalized Charns and Williams for suggesting that the affidavit was not truthful. [Johnson v. Harris, 563 S.E.2d 224.]

RIGHT TO COUNSEL — Police need only clarify ambiguous statements about a suspect's right to an attorney if they choose, but suspects must definitively ask for counsel if they wish to remain silent and end further interrogation, according to a ruling in May by the Wisconsin Supreme Court. Clarifying a suspect's request will "minimize the chance of a confession being suppressed due to judicial second-guessing," noted Chief Justice Shirley Abrahamson, adding that ignoring requests for counsel "invites the public to view the behavior of law enforcement as marked by trickery and deceit." [State v. Jennings, 2002 WI 44.]

SELF-INCRIMINATION — The 8th U.S. Circuit Court of Appeals based in Little Rock last month allowed into evidence statements made by a man

who casually admitted to investigators searching his home that he had downloaded child pornography. The court rejected arguments by W.J.B. Axsom II that he was the subject of custodial interrogation in 1999 when the statements were made. Nine federal agents had entered his home with a search warrant, but only two interviewed him. Axsom, the court noted, was neither handcuffed nor confined to one room. The decision reversed that of a lower court which ruled that the setting was police-dominated. [U.S. v. Axsom, 289 F.3d 496.]

SEARCH & SEIZURE — Attaching an electronic monitoring device to a vehicle's bumper does not violate an individual's protection against unwarranted search and seizure under the state's constitution, according to 5-2 decision handed down in April by the Nevada Supreme Court. The majority cited a federal appellate ruling which found no reasonable expectation of privacy when the outside of a car is involved. [Osburn v. State, 44 P.3d 523.]

CAR STOPS — The New York State Court of Appeals has ruled unconstitutional a program whereby New York City police officers stop taxicabs to check on driver safety. The appeal stemmed from a 1996 case in which an officer found drugs in a cab. The passenger challenged the stop's constitutionality, claiming that the driver could not consent on his behalf. Under the program's guidelines, drivers signed a consent form and put special decals on their cars. [People v. Abad.]

SKETCHY RESEMBLANCE — The New York State Court of Appeals threw out the conviction in April of a man convicted of shooting a cab driver that had been based on his resemblance to a police sketch artist's rendering. While such works are investigative tools, they are not photographs, said Judge Albert Rosenblatt in a 12-page decision. The defendant, Robert Maldonado, will be given a new trial. [People v. Maldonado, 97 N.Y.2d 522.]

POST-SENTENCE CONFINEMENT — A California case involving a convicted rapist who was awaiting release after serving nearly all of his 22-year sentence will be sent back to a lower court, after the state Supreme Court held that the government does not have the authority to hold offenders beyond the end of their sentences. Although three mental-health evaluators independently agreed that Patrick Ghilotti no longer posed a threat, the state argued that he could be recommitment by the director of the California Mental Health Department. In its 5-2 decision, the justices sided with the defense, which argued that all such decisions were the province of the courts. [People v. Superior Court (Ghilotti), 27 Cal. 4th 888; 44 P.3d 949.]

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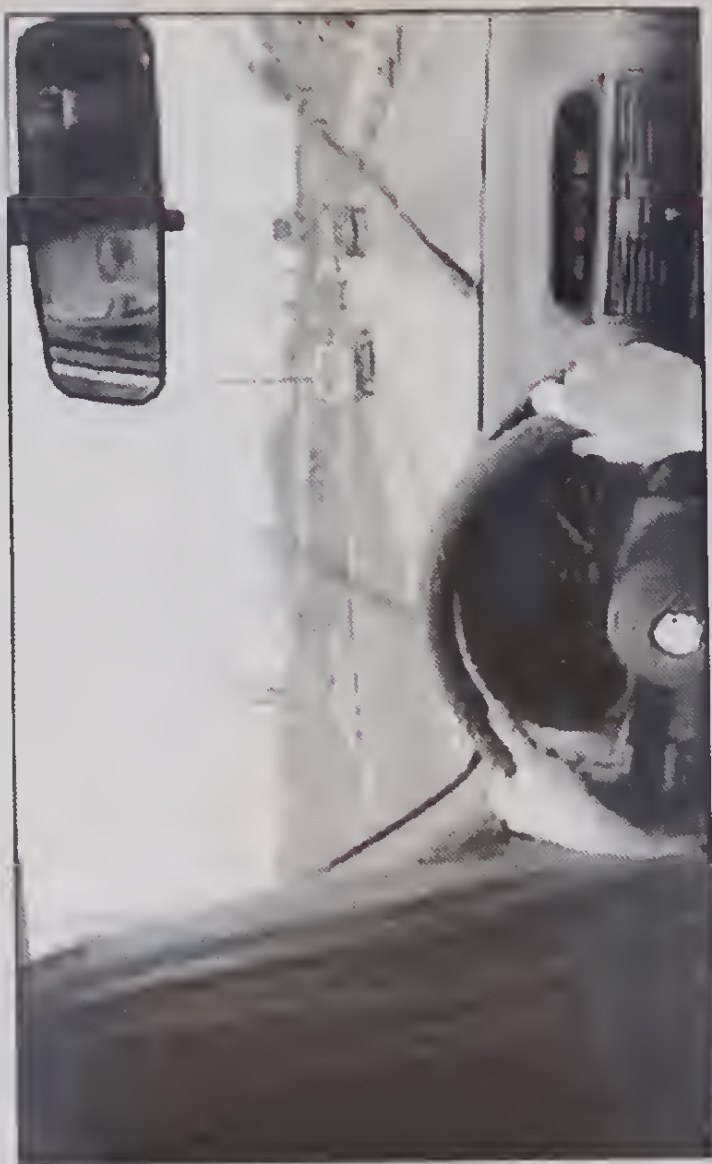
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Driving into trouble?

A new study says sexual harassment of female drivers by rogue police has become a widespread problem — but one that is not showing up on police agencies' radar. **Story, Page 1.**

Also in this issue:

When police officers stricken with cancer or other life-threatening diseases need extra care & comfort, a network of other cops is standing by waiting to help. **See Page 1.**

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What They Are Saying:

"When they fail, they fail catastrophically. We're in the blunderbuss age of less-lethal weapons."

— *Capt. Sid Heal, a marksman with the Los Angeles County Sheriff's Department, on the growing scrutiny focused on beanbags and other less-than-lethal munitions, amid reports of serious injuries to suspects. (Story, Page 5.)*